

Title 314 WAC

LIQUOR CONTROL BOARD

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Reviser's Note: As of August 26, 1977, the Liquor Control Board office address is as follows:

Capitol Plaza Building
1025 East Union Avenue
Olympia, Wa. 98504

Chapter 314-04 WAC HEARINGS

WAC

314-04-005	Pre-hearing summary disposition.
314-04-010	Method.

WAC 314-04-005 Pre-hearing summary disposition. Prior to a hearing pursuant to WAC 314-04-010, the licensee may be afforded an alternative under the terms of RCW 34.04.090(3) to waive an opportunity for such a hearing and agree to a proposed summary disposition of the charges. The summary disposition may include suspension or cancellation of a license or

imposition of a monetary penalty in lieu of the proposed summary suspension. The proposed summary disposition shall be determined and administered in the following manner:

- (1) Upon receipt by the board of an investigative report, referred complaint or other information indicating a possible violation on the part of a licensee, such report shall be processed by the enforcement division and be forwarded to the assistant attorney general assigned to the board, hereafter referred to as attorney, to determine if reasonable cause exists to believe that a violation has occurred.
- (2) If the attorney determines that reasonable cause exists to believe that a violation has occurred, he shall propose a course of action to the board for its consideration, and the board shall determine whether to accept the initial proposal or order another proposed disposition. After review by the board, the board may direct that a written notice of its proposed order of summary disposition, hereafter notice, be served upon the licensee.
- (3) The notice will be prepared by the hearing division. Such notice shall fully advise the licensee of all charges reasonably believed to have been committed and specify the board's summary disposition. The notice shall also include an explanation that any proposed penalty is not final but will automatically become final if the licensee does not request a hearing within ten days of receipt of the notice.
- (4) The board may in its discretion offer the licensee an opportunity for payment of a monetary penalty in lieu of suspension. Such an opportunity shall be explained on the notice and the notice will include either the monetary penalty or, by attachment, a certificate of gross profit from liquor sales, hereafter referred to as certificate, to compute the monetary penalty. The certificate must be returned within ten days of receipt of the notice along with payment, unless additional time is requested in writing, or the suspension will not be vacated.
- (5) The notice shall include by attachment a form upon which a request for a hearing can be made. The notice shall be signed by the board, after which the hearing division shall

serve the notice and attachments upon the licensee.

- (6) If the licensee requests a hearing, written acknowledgment of the request will be sent the licensee by the hearing division and the hearing will proceed as described by the terms of WAC 314-04-010.
- (7) The licensee may request in writing, and the hearing division may grant an extension of time, not to exceed ten days, in which to make a determination whether to request a hearing.
- (8) If a licensee fails to request a hearing within the prescribed period and the proposed summary penalty becomes effective, the licensee may petition the board in writing to set aside the penalty for good cause shown. Mere inattention on the part of a licensee is not, by itself, grounds to set aside a penalty.
- (9) The board, in its discretion, may determine to issue letters of caution or admonition in lieu of directing that notice with penalty be served on a licensee or determine that a formal hearing be instituted in lieu of serving a notice with penalty on the licensee.

[Order 35, § 314-04-005, filed 7/2/75.]

WAC 314-04-010 Method. Hearings which may involve the suspension or cancellation of a license, or the imposition of a monetary penalty, shall be called and conducted in the following manner:

(1) Before any such hearing shall be called, some member of the board shall give written approval to the holding of it. When it has been determined that a hearing shall be held, the entire record of the licensed premises involved and of the licensees shall be given to the assistant attorney general assigned to the board, who will hereinafter be referred to as the attorney.

(2) The attorney shall prepare a written complaint which shall fully advise the licensees of all charges which will be considered at the hearing. The complaint shall be signed by a member of the board, after which the attorney shall deliver the original and such copies as may be necessary to the examiner appointed by the board pursuant to section 27(2-A) of the Washington state liquor act (RCW 66.24.040).

(3) The examiner shall conduct the hearing, which shall be held as soon as feasible. Each licensee charged shall be served with a copy of the complaint together with written notice of the time and place of the hearing and the issues involved. Such notice and complaint shall be served not less than ten days prior to the hearing unless the licensee consents to shorter notice.

(4) All subpoenas shall be issued by the examiner, who shall issue them when requested by the attorney, a licensee or a licensee's attorney, and he may issue them on his own motion.

(5) Nothing herein contained shall prevent the board from exercising the power given it by section 27(2-A) of the Washington state liquor act (RCW 66.24.010(3)), to

summarily suspend or cancel any license. [Resolution No. 1, filed 6/13/63; Rule 114, filed 6/13/63.]

Chapter 314-08 WAC PRACTICE AND PROCEDURE

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-08-075 Waiver of hearing. [Resolution No. 2, Rule 08.075, filed 6/13/63.] Repealed by Order 35, filed 7/2/75.

WAC 314-08-001 Promulgation for rules [WAC 314-08-010 through 314-08-590]. The Washington state liquor control board by virtue of the authority vested in it under chapter 66.08 RCW, after due notice and public hearing, held in Olympia, Washington, on June 6, 1963, as provided by chapter 42.32 RCW, does hereby promulgate the following resolution relating to practice and procedure before the Washington state liquor control board, being Title XIV of the regulations of the board. [Promulgation, filed 6/13/63.]

WAC 314-08-010 Appearance and practice before the board—Who may appear. No person may appear in a representative capacity before the Washington state liquor control board, hereinafter referred to in WAC 314-08-010 through 314-08-590, as the 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.

(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. [Resolution No. 2, Rule 08.010, filed 6/13/63.]

WAC 314-08-020 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. [Resolution No. 2, Rule 08.020, filed 6/13/63.]

WAC 314-08-030 Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the board to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind. [Resolution No. 2, Rule 08.030, filed 6/13/63.]

WAC 314-08-040 Standards of ethical conduct. All persons appearing in proceedings before the board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board. [Resolution No. 2, Rule 08.040, filed 6/13/63.]

WAC 314-08-050 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 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 previously took an active part as a representative of the board. [Resolution No. 2, Rule 08.050, filed 6/13/63.]

WAC 314-08-070 Computation of time. In computing any period of time prescribed or allowed by the board rules, by order of the board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. This section shall not apply to periods of license suspension. [Resolution No. 2, Rule 08.070, filed 6/13/63.]

WAC 314-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1) and WAC 314-04-010. [Resolution No. 2, Rule 08.080, filed 6/13/63.]

WAC 314-08-090 Service of process--By whom served. The board shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Resolution No. 2, Rule 08.090, filed 6/13/63.]

WAC 314-08-100 Service of process--Upon whom served. All papers served by either the board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Resolution No. 2, Rule 08.100, filed 6/13/63.]

WAC 314-08-110 Service of process--Service upon parties. The final order and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Resolution No. 2, Rule 08.110, filed 6/13/63.]

WAC 314-08-120 Service of process--Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail; or by telegraph. [Resolution No. 2, Rule 08.120, filed 6/13/63.]

WAC 314-08-130 Service of process--When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Resolution No. 2, Rule 08.130, filed 6/13/63.]

WAC 314-08-140 Service of process--Filing with agency. Papers required to be filed with the board shall be deemed filed upon actual receipt by the board at the place specified in its rules accompanied by proof of service upon parties required to be served. [Resolution No. 2, Rule 08.140, filed 6/13/63.]

WAC 314-08-150 Subpoenas--Form. Every subpoena shall state the name of the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Resolution No. 2, Rule 08.150, filed 6/13/63.]

WAC 314-08-160 Subpoenas--Issuance to parties. Upon application of counsel or other representative appearing before the board pursuant to WAC 314-08-010(3) of these rules, for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The board may

issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Resolution No. 2, Rule 08.160, filed 6/13/63.]

WAC 314-08-170 Subpoenas--Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person. [Resolution No. 2, Rule 08.170, filed 6/13/63.]

WAC 314-08-180 Subpoenas--Fees. As provided by RCW 66.24.010(3), witnesses may, in the discretion of the board, be allowed fees at the rate of two dollars per day, plus five cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence. [Resolution No. 2, Rule 08.180, filed 6/13/63.]

WAC 314-08-190 Subpoenas--Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the board, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Resolution No. 2, Rule 08.190, filed 6/13/63.]

WAC 314-08-200 Subpoenas--Quashing. Upon motion made promptly and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the board or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Resolution No. 2, Rule 08.200, filed 6/13/63.]

WAC 314-08-210 Subpoenas--Enforcement. Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. [Resolution No. 2, Rule 08.210, filed 6/13/63.]

WAC 314-08-220 Subpoenas--Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing. [Resolution No. 2, Rule 08.220, filed 6/13/63.]

WAC 314-08-230 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions

shall be taken only in accordance with this rule and the rule on subpoenas. [Resolution No. 2, Rule 08.230, filed 6/13/63.]

WAC 314-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Resolution No. 2, Rule 08.240, filed 6/13/63.]

WAC 314-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the board or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Resolution No. 2, Rule 08.250, filed 6/13/63.]

WAC 314-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Resolution No. 2, Rule 08.260, filed 6/13/63.]

WAC 314-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with

no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the board, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the board, or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Resolution No. 2, Rule 08.270, filed 6/13/63.]

WAC 314-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Resolution No. 2, Rule 08.280, filed 6/13/63.]

WAC 314-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Resolution No. 2, Rule 08.290, filed 6/13/63.]

WAC 314-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the

officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless a motion to suppress the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Resolution No. 2, Rule 08.300, filed 6/13/63.]

WAC 314-08-310 Depositions and interrogatories in contested cases--Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Resolution No. 2, Rule 08.310, filed 6/13/63.]

WAC 314-08-320 Depositions and interrogatories in contested cases--Fees of deponents--Costs of deposition. Deponents whose depositions are taken shall be entitled to the same fees as are allowed by WAC 314-08-180: *Provided*, That all costs incidental thereto shall be paid by the party desiring such deposition. [Resolution No. 2, Rule 08.320, filed 6/13/63.]

WAC 314-08-330 Depositions upon interrogatories--Submission of interrogatories. Where the 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 the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter

may serve redirect interrogatories upon the party who served cross-interrogatories. [Resolution No. 2, Rule 08.330, filed 6/13/63.]

WAC 314-08-340 Depositions upon interrogatories--Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 314-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Resolution No. 2, Rule 08.340, filed 6/13/63.]

WAC 314-08-350 Depositions upon interrogatories--Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the board, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Resolution No. 2, Rule 08.350, filed 6/13/63.]

WAC 314-08-360 Depositions upon interrogatories--Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Resolution No. 2, Rule 08.360, filed 6/13/63.]

WAC 314-08-370 Official notice--Matters of law. The board or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The board's organization, administration, officers, personnel, official publications,

and practitioners before its bar. [Resolution No. 2, Rule 08.370, filed 6/13/63.]

WAC 314-08-380 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 shall 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 shall 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 shall 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. [Resolution No. 2, Rule 08.380, filed 6/13/63.]

WAC 314-08-390 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 or notice, may make the following presumptions, where consistent with all surrounding facts circumstances:

(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 own self-interest so to do;

(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. [Resolution No. 2, Rule 08.390, filed 6/13/63.]

WAC 314-08-400 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. [Resolution No. 2, Rule 08.400, filed 6/13/63.]

WAC 314-08-410 Form and content of decisions in contested cases and proposed orders. Every decision and order, whether proposed, initial, or final, shall:

- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto;
- (7) 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, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within twenty days after the date of the service of the proposed order, unless a greater or less time for filing exceptions is designated by the board at the time of issuance of the proposed order. Exceptions shall be filed in triplicate and a copy thereof shall 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. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the board may affirm its proposed order by service of an order of affirmance upon the parties, or, if it deems the exceptions well taken, 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 said case. [Statutory Authority: Chapters 34.04 and 66.08 RCW. 80-12-021 (Order 74, Resolution 83), § 314-08-410, filed 8/27/80; Resolution No. 2, Rule 08.410, filed 6/13/63.]

WAC 314-08-415 Written arguments. At the conclusion of the evidentiary portion of a field hearing, the examiner may call for an oral legal argument on the

record, after which the examiner shall render his oral proposals; or, the examiner may call for written arguments to be submitted to his office by the licensee or his attorney and the board's attorney. Such written arguments shall be submitted in triplicate to the hearing examiner and may not be exchanged by opposing counsel. When both arguments have been received, the hearing examiner will deliver one of the copies of the licensee's argument to the board's attorney, and one copy of the board's argument will be forwarded to the licensee or his attorney. 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. After the receipt of both written arguments, the hearing examiner will render his written proposals which will be served on the licensee or his attorney and the attorney for the board. [Order 55, § 314-08-415, filed 5/31/77, effective 7/1/77.]

WAC 314-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall 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. [Resolution No. 2, Rule 08.420, filed 6/13/63.]

WAC 314-08-430 Prehearing conference rule--Authorized. In any proceeding the board or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Resolution No. 2, Rule 08.430, filed 6/13/63.]

WAC 314-08-440 Prehearing conference rule--Record of conference action. The board or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Resolution No. 2, Rule 08.440, filed 6/13/63.]

WAC 314-08-450 Submission of documentary evidence in advance. Where practicable the board or its designated hearing officer may require:

- (1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the

hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Resolution No. 2, Rule 08.450, filed 6/13/63.]

WAC 314-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Resolution No. 2, Rule 08.460, filed 6/13/63.]

WAC 314-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Resolution No. 2, Rule 08.470, filed 6/13/63.]

WAC 314-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and

that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Resolution No. 2, Rule 08.480, filed 6/13/63.]

WAC 314-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 314-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Resolution No. 2, Rule 08.490, filed 6/13/63.]

WAC 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. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 314-08-470 or 314-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Resolution No. 2, Rule 08.500, filed 6/13/63.]

WAC 314-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the board or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The board or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the board or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Resolution No. 2, Rule 08.510, filed 6/13/63.]

WAC 314-08-520 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence

reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Resolution No. 2, Rule 08.520, filed 6/13/63.]

WAC 314-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections.

When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Resolution No. 2, Rule 08.530, filed 6/13/63.]

WAC 314-08-540 Petitions for rule making, amendments or repeal--Who may petition. Any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule. [Resolution No. 2, Rule 08.540, filed 6/13/63.]

WAC 314-08-550 Petitions for rule making, amendments or repeal--Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Resolution No. 2, Rule 08.550, filed 6/13/63.]

WAC 314-08-560 Petitions for rule making, amendments or repeal--Agency must consider. All petitions shall be considered by the board and the board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Resolution No. 2, Rule 08.560, filed 6/13/63.]

WAC 314-08-570 Petitions for rule making, amendments or repeal--Notice of disposition. The board shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Resolution No. 2, Rule 08.570, filed 6/13/63.]

WAC 314-08-580 Declaratory rulings. (1) As prescribed by RCW 34.04.080, any interested person may petition the board for a declaratory ruling. The board shall consider the petition and within a reasonable time shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

(2) If a hearing as provided in subsection (1)(c) is conducted, the board shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued. [Resolution No. 2, Rule 08.580, filed 6/13/63.]

WAC 314-08-590 Forms. (1) Any interested person petitioning the board for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(2) At the top of the page shall appear the wording "Before the Washington State Liquor Control Board". On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for a Declaratory Ruling". Opposite the foregoing caption shall appear the word "Petition".

(3) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(4) The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

(5) Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "Before the Washington State Liquor Control Board". On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules)". Opposite the foregoing caption shall appear the word "Petition".

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule,

such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" by 11" or 8 1/2" x 13" in size. [Resolution No. 2, Rule 08.590, filed 6/13/63.]

Chapter 314-12 WAC

GENERAL—APPLICABLE TO ALL LICENSEES

WAC

314-12-010	License does not grant vested right (Rule 1).
314-12-020	Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements (Rule 1.5).
314-12-030	License to reflect true party in interest—Display of licenses (Rule 2).
314-12-040	Prorating and refunding of fees—Discontinuance of business (Rule 3).
314-12-050	Loss or destruction of licenses, permits, etc.—Fees (Rule 4).
314-12-060	Death or incapacity of licensee (Rule 5).
314-12-070	Transfer of licenses (Rule 6).
314-12-080	Limitation on transfers and reapplications (Rule 7).
314-12-090	Change of management (Rule 8).
314-12-100	Change of name (Rule 9).
314-12-110	Change of location (Rule 10).
314-12-120	Licensed premises open for inspection—Sampling of liquor (Rule 11).
314-12-130	No liquor deliveries on Sunday (Rule 12).
314-12-140	Prohibited practices—Contracts—Gifts—Rebates, etc (Rule 13).
314-12-150	Definitions—"Pasteurized beer", "gallon" (Rule 14).
314-12-160	Near beer (Rule 15).

WAC 314-12-010 License does not grant vested right (Rule 1). The issuance of any license by the board shall not be construed as granting a vested right in any of the privileges so conferred, and a misrepresentation of fact found to have been made by the applicant shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or the revocation or suspension of said license by the board. [Rule 1, filed 6/13/63.]

WAC 314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements (Rule 1.5). (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 or transfer 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 ten percent or more 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 66.24.010(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. [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 314-12-030 License to reflect true party in interest—Display of licenses (Rule 2). (1) Pursuant to the requirements of RCW 66.24.010(1), any license issued shall be issued in the name of the true party in interest. No licensee shall pay to any person, as compensation for services or otherwise, more than ten percent of the net profits of the licensed business, unless the name of said person appears on the license.

(2) All licenses (except certificates of approval and agent's licenses) shall be framed under glass and prominently displayed on the licensed premises. [Order 58, § 314-12-030, filed 8/9/77, effective 9/12/77; Rule 2, filed 6/13/63.]

WAC 314-12-040 Prorating and refunding of fees—Discontinuance of business (Rule 3). (1) Unless otherwise provided by law, there will be no prorating of any license fee.

(2) Upon denial or withdrawal of an application for license, adoption or change of trade name, or change of location, the fee tendered therewith shall be returned.

(3) When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made.

(4) Upon discontinuance of business by a licensee, he shall forthwith deliver up his license to the board. [Rule 3, filed 6/13/63.]

WAC 314-12-050 Loss or destruction of licenses, permits, etc.—Fees (Rule 4). Upon the loss or destruction of any license or permit to purchase liquor thereunder or card of identification, application for a duplicate must be made to the board. Fees: License (except agent's), \$5.00; agent's license or registration, class H purchase permit, retailer's certificate of authority, and card of identification, \$1.00. [Rule 4, filed 6/13/63.]

WAC 314-12-060 Death or incapacity of licensee (Rule 5). In the event of the incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, then his guardian, executor, administrator, receiver, trustee in bankruptcy or assignee for benefit of creditors may, upon written authority from the board, continue the business of the licensee on the licensed premises for the duration of the license, unless sooner terminated. [Rule 5, filed 6/13/63.]

WAC 314-12-070 Transfer of licenses (Rule 6). (1) No transfer of any license shall be made except in conformance with RCW 66.24.010, and subject to the following conditions:

(a) the holder of the license shall execute an assignment and transfer upon a form prescribed by the board, and the assignee and transferee shall then make application for approval of such assignment and transfer;

(b) the transferee shall not take possession of the premises, nor exercise any of the privileges of a licensee, nor shall such assignment and transfer be effective until the board shall have approved the same;

(c) in approving any assignment and transfer of licenses, the board reserves the right to impose special conditions as to the future connection of the former licensee or any of his employees with the licensed business as in its judgment the circumstances may justify;

(d) a change of trade name may be made coincident with the transfer of the license without any additional fee.

(2) The sale of a partnership interest or any change in the partners, either by withdrawal or addition or otherwise, shall be considered an assignment and transfer of the licenses held by the partnership and subject to the regulations applicable to assignment and transfer of licenses.

(3) If the licensee is a corporation, a change in ownership of any stock shall not be deemed a transfer of a

license: *Provided, however,* That in the case of a change in ownership of a controlling number of shares of stock the board must be notified and its approval obtained.

(4) If a licensee has an unresolved violation charge pending, no action will be taken by the board on an application to transfer the liquor license to another until such time as a final disposition has been made of the pending violation charge. [Order 55, § 314-12-070, filed 5/31/77, effective 7/1/77; Rule 6, filed 6/13/63.]

WAC 314-12-080 Limitation on transfers and re-applications (Rule 7). (1) Except as provided herein, no application for transfer of any license shall be made for a period of ninety days following the issuance of transfer of such license.

(2) This limitation shall not apply in any of the circumstances set forth in WAC 314-12-060.

(3) In the event of the withdrawal of a partner, the license may be transferred to the remaining partner or partners within the prohibited period.

(4) No reapplication for a license shall be made within a period of ninety days following a denial of such license. [Rule 7, filed 6/13/63.]

WAC 314-12-090 Change of management (Rule 8). No change shall be made in the management or officers of any licensed business until written consent of the board has been obtained. [Rule 8, filed 6/13/63.]

WAC 314-12-100 Change of name (Rule 9). No licensee shall adopt or make a change in a trade or corporate name without the written consent of the board. Fee, \$5.00. (See WAC 314-12-070(a)). [Rule 9, filed 6/13/63.]

WAC 314-12-110 Change of location (Rule 10). No change of location of licensed premises shall be made without the written consent of the board. Fee, \$15.00. This regulation, however, shall not apply to holders of licenses under section 23-L and 23-S-3(4), Washington state liquor act (RCW 66.24.390 and 66.24.420(4)). [Rule 10, filed 6/13/63.]

WAC 314-12-120 Licensed premises open for inspection—Sampling of liquor (Rule 11). (1) All licensed premises, or any premises in any way connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the board.

(2) The board may, upon proper receipt given therefor, take for the purpose of analysis samples of liquor possessed by any licensee by virtue of his license. [Rule 11, filed 6/13/63.]

WAC 314-12-130 No liquor deliveries on Sunday (Rule 12). No liquor shall be delivered to any retail licensee between midnight on Saturday and midnight on Sunday; nor shall any retail licensee receive or accept delivery of any liquor between midnight on Saturday and midnight on Sunday. [Rule 12, filed 6/13/63.]

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (Rule 13). (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, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee or any employee thereof 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 or employee thereof, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler 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, wholesaler, 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.

(b) 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, wholesaler or importer.

(c) Provide price cards and may also price goods of his own brands.

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

(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 (Title XII).

(f) No manufacturer, wholesaler, importer, or any employee thereof, shall move or handle in any manner any products other than his own brands on the premises of any retail licensee.

(5) No manufacturer, wholesaler, 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, wholesaler 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 wholesaler 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, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler 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 to retail licensees forward to the board at Olympia 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 regulation.

(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 wholesalers 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.

[Order 46, § 314-12-140, Rule 13, filed 6/9/76; Rule 13, filed 6/13/63.]

WAC 314-12-150 Definitions—"Pasteurized beer", "gallon" (Rule 14). (1) "Pasteurized beer" shall mean beer which has been subjected to such process or processes in manufacture and packaging that in all cases all yeast cells or other microorganisms are killed, inactivated, or removed, thereby preventing any further fermentation or microbiological decomposition of the packaged beer which might otherwise take place.

(2) A "gallon", when used in computing any tax, shall mean the United States standard gallon of 231 cubic inches. [Resolution 4, filed 5/5/65, effective 6/7/65; Rule 14, filed 6/13/63.]

WAC 314-12-160 Near beer (Rule 15). (1) Within the meaning of this regulation, "near beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water not containing more than one-half of one percent of alcohol by volume.

(2) No licensee of the board (including the holder of a certificate of approval) shall buy or sell, deal in, ship into the state, or in any manner merchandise any near beer for sale or consumption within the state unless:

(a) The bottle or can in which such near beer is contained bears a distinctive label showing the nature of the contents, the name of the person by whom the near beer is manufactured or brewed, and the place where the same was brewed. Such label shall further have printed thereon in bold-faced type the following words in the dimensions specified: "Near Beer" in letters not less than one-half inch high and "Alcohol content less than one-half of one percent by volume" in letters not less than one-eighth inch high and "Non-taxable Under Section 5051 I.R.C." in letters one-eighth inch high. No bottle or label shall be used until the same has been submitted to and approved by the board.

(b) All records and books of account showing purchases, sales or transactions in near beer shall be kept and maintained separate and independent from other accounts.

(c) All stocks of near beer shall be kept separate and independent from stocks of other merchandise, and under no condition shall be commingled with stocks of beer and/or wine.

(d) No licensed retailer shall sell near beer to, nor serve the same to, a customer unless the label be firmly affixed to the container at the time of such sale or service.

(e) No retail licensee shall sell, deliver, offer for sale, serve, or allow to be consumed on the premises any near beer except in accordance with WAC 314-16-050.

(3) The importation, distribution, sale, service and consumption of near beer shall be subject to the same laws and regulations as beer. [Order 20, § 314-12-160, filed 12/12/72; Rule 15, filed 6/13/63.]

Chapter 314-16 WAC RETAIL LICENSEES

WAC

- 314-16-010 Booths.
- 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices.
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- 314-16-170 Suspension notices, posting of—Other closing notices prohibited.
- 314-16-180 Alterations and changes of premises and activities—Outside storage.
- 314-16-190 Class H restaurant—Qualifications. (Rule 35).
- 314-16-200 Minimum qualifications for issuance of Class E, F, and Classes EF licenses. (Rule 36).

Advertising—For regulation pertaining to advertising by retail licensees, see WAC 314-52-110.

WAC 314-16-010 Booths. No retail licensee shall conduct a licensed premises where booths are part of the equipment unless such booths are open at all times at one end so as to provide a clear view from without the same. [Order 4, § 314-16-010, filed 7/9/69, effective 8/11/69; Order 1, § 314-16-010, filed 5/16/68; Rule 16, filed 6/13/63.]

WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices. (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer wholesalers may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer wholesaler. Brewers and beer wholesalers may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer wholesaler: *Provided*, That said openers do not bear any brand name or the name of any beer manufacturer or wholesaler or liquor advertising of any kind.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine wholesalers may furnish said labels to retail dispensers as hereinabove provided at a value or cost to

the winery or wine wholesaler not to exceed forty cents each. [Rule 17, filed 6/13/63.]

WAC 314-16-030 Sanitation, equipment and lighting. (1) Every retail licensee shall keep his premises and equipment in a clean, wholesome and sanitary condition.

(2) All cups, mugs, steins or glasses used for serving liquor must, after being used, be cleaned, washed and sterilized in the manner prescribed by the state board of health sanitation regulations. Any sterilizing process and chemical sterilizing agents used in connection therewith shall meet the requirements of the state board of health.

(3) All holders of retail licenses for the sale of liquor for consumption on the premises shall provide in and about the parts of said premises, which are open to and used by the public, sufficient lighting so that all objects are plainly visible at all times and all parts of such premises shall be illuminated so that patrons on any part of the premises on which intoxicating liquor is served shall be able to read a menu or liquor list printed in eight point type. [Rule 18, filed 6/13/63.]

WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list. (Rule 19). (1) No retail licensee shall possess or allow any person to consume any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control.

(2) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises.

(3) No holder of a Class H License shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a Class H license, all other classes of retail licenses which may be held by such new Class H licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

(4) Hotel room service is included in on-premises licenses.

(5) No Class H licensee shall sell or serve any spirituous liquor other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. Such licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(6) No holder of a Class C 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, nor under any name which is so similar to the above prohibited names as to be readily confused therewith in the public mind. Nor shall any holder of a Class C license, in the mixing or compounding of any mixed drink, use any mixer or other substance whatsoever which contains any of the aromatic compounds and/or essential oils which give to any spirituous liquor its distinctive characteristics of aroma, bouquet

and flavor. Nothing in this section shall deny to any holder of a Class C license the right to 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, 66.08.060, 66.98.070 and Title 34 RCW. 80-02-094 (Order 69, Resolution 78), § 314-16-040, filed 1/23/80; Rule 19, filed 6/13/63.]

WAC 314-16-050 Closing hours—Sunday closing. (Rule 20). No retail licensee, or employee thereof, shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner whatsoever between the hours of 2 a.m. and 6 a.m., except on New Year's Day when the hour of closing shall not be later than 3 a.m. Any municipality may fix later opening hours or earlier closing hours than those specified in this rule: *Provided, however,* That such later opening hours or earlier closing hours shall apply to all licensed premises. [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 7, filed 7/19/67, effective 8/19/67; Rule 20, filed 6/13/63.]

WAC 314-16-060 Curb service prohibited. No retail liquor licensee, or employee thereof, shall provide, furnish, sell, or supply beverages by means of "drive-in" and/or "curb service." [Statutory Authority: RCW 66.08.030, 66.98.070, and Title 34 RCW. 80-15-111 (Order 75, Resolution 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.]

WAC 314-16-070 Minors—Employment. (Rule 22). No person under the age of 21 years shall be employed in any service in connection with the sale, handling or serving of any liquor, either on a paid or voluntary basis, in, on or about any licensed premises except as otherwise authorized by law. Employees 18 years of age or over of class A, C, D and/or H licensees may take orders for, serve and sell liquor for consumption on premises as authorized by, and under the conditions provided in, chapter 66.44 RCW. Employees 18 years of age or over of class E and/or F licensees exclusively, may sell beer and/or wine not to be consumed upon the premises as authorized by, and under the conditions provided in, RCW 66.44.340. (1) All licensees shall have a person 21 years of age or over on duty supervising the sale, service and consumption of liquor at the licensed premises.

(2) Persons under 21 years of age may not serve food or liquor in any area of class A, C, D, or H licensed premises at any time such area is classified by the Board as off-limits to persons under 21 years of age.

(3) Persons under 21 years of age shall not be permitted to perform activities or functions of a bartender.

For the purposes of this section, activities or functions of a bartender include, but are not limited to: Mixing drinks or cocktails; drawing beer or wine; pouring beer or wine anywhere on the premises except at the patrons table; supplying or providing to 18, 19, or 20 year old employees for delivery to the customer spirituous liquor by the glass, beer by the pitcher or glass; or wine by the carafe or glass. [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.]

WAC 314-16-075 Professional minor musicians—Employment. Pursuant to the provisions of chapter 250, Laws of 1969 ex. sess. (RCW 66.44.315), professional musicians 18 years of age and older are permitted to enter and to remain in liquor licensed establishments during and in the course of their employment as musicians. The following definitions and requirements shall be applicable. (1) Definitions:

(a) The term "professional minor musician" shall be construed as a person between 18 and 21 years of age who is employed to perform in his or her capacity as a musician at a retail liquor licensed establishment.

(b) The term "professional minor musician" shall include a person who plays a musical instrument and/or is a vocalist.

(c) To assure that the professional minor musician employed is engaged for that purpose, he or she shall be compensated at a rate not less than the minimum wage provided for by state law.

(2) Areas in licensed establishments where professional minor musicians may perform:

(a) Professional minor musicians during their performance shall, except as provided in subdivision (b), remain on the stage or bandstand of the licensed premises.

(b) The style of a "strolling musician" or a group of "strolling musicians" may be utilized in licensed establishments.

(3) Areas where professional minor musicians may remain when not performing:

(a) Prior to commencing a performance; at breaks or intermissions during the performance; and after concluding a performance, professional minor musicians shall be permitted only: on the stage or bandstand; in a private room or separate area on the premises in which no liquor is served; or in areas where minors are permitted under the licensee's minor classification [for example, in the restaurant section of a Class H licensed premises].

(b) Professional minor musicians are permitted to enter and remain on the licensed premises not more than 30 minutes prior to the start of their performance, in order to set up and tune their musical instruments, and to remain not more than 30 minutes after concluding their performance in order to properly secure their equipment.

(4) Responsibilities of licensees:

(a) A licensee having board authorization for live music and wishing to employ professional minor musicians shall notify his local inspection office in writing before his initial employment of said professional minor musicians.

(b) Licensees shall have available for inspection by the board, or any peace officer, at all reasonable times, a current list of professional minor musicians employed at the licensed premises. Such list shall be retained for a period of 30 days after termination of employment and shall designate the following information with respect to each minor:

(i) True name and professional or stage name, if any.

(ii) Permanent resident address and temporary address, if any.

(iii) Date and place of birth.

(iv) Mother's maiden name; father's name.

(v) Social security number.

(vi) Terms of the agreement of employment.

(c) Licensees shall at all times provide adequate supervision in order to insure that there will be neither the sale of nor the supplying of any alcoholic beverages to professional minor musicians, and that professional minor musicians will not be permitted to consume alcoholic beverages at any place on the premises.

(5) Responsibilities of professional minor musician:

(a) Professional minor musicians shall at all times during the course of their employment on licensed retail premises have with them documents available for inspection which disclose their true age and date of birth.

(6) Practice sessions — "jam sessions":

(a) Practice sessions involving professional minor musicians shall not be permitted on licensed premises.

(b) "Jam sessions" involving professional minor musicians shall not be permitted on any licensed premises unless the participants are being paid for such "jam sessions" in accordance with subsection (1)(c) of this regulation. [Order 9, § 314-16-075, filed 2/17/70.]

WAC 314-16-080 Food and beverage service workers—Permit. Every licensee holding a license authorizing the sale of beer or wine for consumption on the premises and all persons employed by such licensee for work or labor or services in connection with the sale or service of beer or wine on such premises, shall obtain a "Food Service Worker's Permit" through the appropriate jurisdictional health department according to county or city in which employed, before selling or serving beer or wine. [Rule 23, filed 6/13/63.]

WAC 314-16-090 Bottles—Reuse. (1) No Class H licensee shall reuse, refill or tamper with any bottle of spirituous liquor, nor shall such licensee adulterate, dilute, fortify, or cause any substitution of any nature to be made in or to, the contents of any bottle of spirituous liquor.

(2) No retail licensee shall refill a jug, bottle or other container with unpasteurized beer while such jug, bottle or other container bears the label or name of any brand of beer or of any brewer, wholesaler or bottler. [Order 19, § 314-16-090, filed 8/10/72; Rule 24, filed 6/13/63.]

WAC 314-16-100 Treating. (Rule 25). No retail licensee, or employee thereof, shall give or furnish free liquor to customers within the licensed premises through

the custom commonly known as "treating" or "setting them up on the house." [Order 53, § 314-16-100, filed 2/15/77, effective 3/18/77; Order 19, § 314-16-100, filed 8/10/72; Rule 25, filed 6/13/63.]

WAC 314-16-110 Liquor purchases by Class H licensees. (Rule 26). (1) Any employee authorized by the board may sell spirituous liquor at a discount of fifteen percent from the retail price fixed by the board to any Class H licensee upon presentation to such employee at the time of purchase of a special permit issued by the board to such licensee. The employee shall at the time of selling any spirituous liquor to a Class H licensee make a record of the liquor so sold, together with the name of the Class H licensee making the purchase.

(2) Every Class H licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to his licensed premises, and he shall not thereafter remove or permit to be removed from said premises any bottle or other container containing such liquor, nor shall he dispose or allow to be disposed the liquor contained therein in any manner except as authorized by his license. The possession of any bottle or other container purchased from the board at a discount by any person other than the Class H licensee who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the Class H licensee unlawfully permitted the removal thereof from his licensed premises.

(3) No Class H licensee shall keep in or on the licensed premises any spirituous liquor in any bottle or other container other than the bottle or container in which it was purchased from the board at a discount: *Provided, however,* That notwithstanding any other provision of Title 314 WAC, a Class H licensee may display antique, unusual, or unique liquor bottles with or without liquor on the licensed premises if such bottles are used as part of the decor, and any such bottles containing liquor are locked securely in display cases, and are not for sale.

(4) No person, including anyone acting as the agent for another other than a Class H licensee shall keep or possess any bottle or other container containing spirituous liquor which was purchased from the board at a discount.

(5) All spirituous liquor in and on the licensed premises shall be made available at all times by every Class H licensee for inspection by the board, and such licensee shall permit any authorized inspector of the board to make such tests or analyses, by spirit hydrometer or otherwise, as the inspector deems proper. Such inspectors are authorized to seize as evidence any bottles or other containers and the contents thereof which they have determined have been reused, refilled, tampered with, adulterated, diluted, fortified or substituted. [Order 50, § 314-16-110, filed 11/30/76, effective 12/31/76; Order 19, § 314-16-110, filed 8/10/72; Rule 26, filed 6/13/63.]

WAC 314-16-120 Conduct on licensed premises. (Rule 27). (1) No licensee, or employee thereof, shall be disorderly, boisterous or intoxicated on the licensed premises, or on any public premises adjacent thereto which are under the licensee's control, nor shall any licensee, or employee thereof, permit any disorderly, boisterous or intoxicated person to be thereon; nor shall any licensee, or employee thereof, use or allow the use of profane or vulgar language thereon.

(2) No licensee, or employee thereof, shall consume liquor of any kind while working on the licensed premises. (See WAC 314-16-050, Closing Hours.) [Order 53, § 314-16-120, filed 2/15/77, effective 3/18/77; Rule 27, filed 6/13/63.]

WAC 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises. The following acts or conduct on licensed premises are prohibited:

(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is 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) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above.

(3) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) To permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(6) Subject to paragraph (5) herein, to permit entertainers whose breast and/or buttocks are exposed to view to perform elsewhere on the licensed premises except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(7) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(8) To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(9) To permit the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(10) Nothing in this rule is intended to modify the provisions of RCW 66.28.080 concerning city or county dancing or music permits.

(11) Notwithstanding any of the provisions of this rule, no licensee shall employ, use the services of, or permit upon his licensed premises, any entertainment or person whose attire or conduct is in violation of any city or county ordinance.

(12) The occurrence of any of the above acts or conduct, whether permitted on the part of a licensee or his employees or agents or any other persons under the control or direction of the licensee or his employees or agents, shall constitute good and sufficient cause for cancellation of license privileges.

(13) 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. [Order 34, § 314-16-125, filed 6/24/75.]

WAC 314-16-130 In transit stamps. No retail licensee shall sell, remove, receive, purchase, possess or aid in the sale, removal, receipt or purchase of beer in any package, barrel or container with "in transit" stamps affixed thereon. [Rule 28, filed 6/13/63.]

WAC 314-16-140 Entertainment license displayed. Licensees holding license from local authorities permitting music, dancing or entertainment on licensed premises, as provided by section 27-A, Washington state liquor act (RCW 66.28.080), must keep such license prominently displayed on the licensed premises. [Rule 29, filed 6/13/63.]

WAC 314-16-150 No sale of liquor to minors, intoxicated persons, interdicted persons, etc. No retail licensee shall give or otherwise supply liquor to any person under the age of 21 years, either for his own use or for the use of his parent or of any other person; or to any person apparently under the influence of liquor; or to any interdicted person (habitual drunkard); nor shall any licensee or employee thereof permit any person under the said age or in said condition or classification to consume liquor on his premises, or on any premises adjacent thereto and under his control, except where liquor is administered to such person by his physician or dentist for medicinal purposes. [Rule 30, filed 6/13/63.]

WAC 314-16-155 Licensee's certification card--

Evidence of age. Licensees or their employees may accept as evidence of legal age for the service of liquor a card of identification issued to the person presenting same, provided such person in addition properly completes a card as provided in RCW 66.20.190. Said card in the possession of a licensee, if properly completed and signed, may be offered as a defense in any hearing held by the board for serving liquor to the person who signed said card and may be considered by the board as evidence that the licensee acted in good faith. Such card shall be filed alphabetically by the licensee at or before the close of business on the day the same was executed, in a file box containing a suitable alphabetical index, and shall be made available for inspection and examination at all times by any peace officer or representative of the board. [Rule 31, filed 6/13/63.]

WAC 314-16-160 Records--Purchases--Reports.

(1) The originals or copies of all sales slips, invoices and other memoranda covering all purchases of liquor by retail licensees shall be kept on file in the retail premises of the licensee purchasing the same for at least two years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and checking. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and checking.

(2) No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof: *Provided*, That in individual and particular cases, upon consent of the board first had and obtained, in writing, a retail licensee may pay cash prior to delivery of liquor purchased.

(3) No retail licensee shall purchase beer from a beer wholesaler at a price differing from the price for the package or container of beer as shown in the price posting filed in accordance with WAC 314-20-100.

(4) No retail licensee shall purchase wine except from state liquor stores or from a duly licensed wine wholesaler. No wine shall be purchased from a wine wholesaler at a price differing from the price for the container of wine as shown in the price posting filed in accordance with WAC 314-24-190. No retail licensee may return wine to a wine wholesaler except in accordance with the provisions of WAC 314-24-210.

(5) Each Class H licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business. All Class H licensees, in addition to the requirements of subsection (1) above, shall at all times:

(a) Maintain records of all purchases for the premises including liquor, food and supplies. The purchases, supported by supplier invoices or signed vouchers, are to be segregated as to type and recorded.

(b) Maintain records of all sales on the premises from all sources including liquor, food, miscellaneous items, and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner as to indicate the source of revenue and the records are to be filed for future audit purposes. Sales, segregated as to source of revenue, are to be recorded.

(c) The records described in subdivisions (a) and (b) shall be preserved for a period of two years.

(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board, and

(e) Each Class H licensee shall upon request make available to the board, and/or its accredited representatives, his books and records relative to purchases, sales, and inventories of liquor, food and supplies. [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.]

WAC 314-16-170 Suspension notices, posting of—Other closing notices prohibited. Whenever the board shall suspend the license of any retail licensee, the board shall on the date the suspension becomes effective cause to be posted in a conspicuous place on or about the licensed premises a notice in a form to be prescribed by the board, and said notice shall state that the license or licenses have been suspended by order of the board because of a violation or violations of the Washington state liquor act or the regulations. No person shall, until after the suspension period has expired, remove, alter or in any way disturb said notice, nor shall any notice of any kind be placed in, or about the premises indicating that the same have been closed for any other reason. The board shall cause to be inspected regularly during the suspension period the premises for the purpose of determining whether the provisions of this regulation are being complied with, and any failure of compliance shall forthwith be reported to the board. [Rule 33, filed 6/13/63.]

WAC 314-16-180 Alterations and changes of premises and activities—Outside storage. (1) No business or activity shall be conducted upon any retail premises other than such as is being conducted thereon at the time the license is issued unless the written consent of the board is obtained. Any business or activity conducted upon the licensed premises shall be open to the general public. Licensed premises shall not be used as a means of ingress and/or egress to another business activity without the written consent of the board.

(2) No retail licensee holding an on-premises license shall make any alterations in the physical setup or arrangement of his premises without the written consent of the board.

(3) No retail licensee shall store liquor on any premises, other than the licensed premises, without the written consent of the board. [Rule 34, filed 6/13/63.]

WAC 314-16-190 Class H restaurant—Qualifications. (Rule 35). (1) All restaurant applicants for a

Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

(4) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross food sales of one hundred dollars or more, and such food sales shall amount to forty percent or more of the restaurant's total food-liquor sales.

(5) Each Class H restaurant licensee shall submit semi-annual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross food sales are less than one hundred dollars, or its food sales are less than forty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license.

(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day on any day liquor is offered for sale, service or consumption, unless otherwise

authorized in writing by the board to alleviate demonstrated hardship. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, sandwiches and/or short orders of food shall be available for sale to the public.

(7) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public. [Statutory Authority: RCW 66.08.030, 66.98.070 and Title 34 RCW. 78-07-002 (Order 66, Resolution 75), § 314-16-190, filed 6/9/78; Order 55, § 314-16-190, filed 5/31/77, effective 7/1/77; Order 52, § 314-16-190, filed 1/18/77, effective 2/18/77.]

WAC 314-16-200 Minimum qualifications for issuance of Class E, F, and Classes EF licenses. (Rule 36).

(1) The following are minimum qualifications necessary prior to consideration being given by the board to the issuance of Class E, F, or Classes EF licenses to store operations. The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a Class E, F, or Classes EF license to an applicant, the mere fact that an applicant meets these minimum qualifications is not to be construed as creating a vested right in the applicant to have a license issued.

(2) Before the board will issue a Class E, F, or Classes EF license to an applicant grocery store, the proposed licensed premises must be stocked with an inventory of food, grocery and related grocery store items in excess of \$3,000 wholesale value.

(3) Grocery stores which also sell gasoline or apply for board approval to install gasoline pumps in connection with their businesses must be stocked with an inventory of food, grocery and related grocery store items, exclusive of gasoline, oil, auto parts, and related gas station or garage items, in excess of \$7,500 wholesale value before the board will issue to them a Class E, F, or Classes EF license or grant approval to install gas pumps at their licensed premises. *Provided:* That marinas which sell gasoline for use in boats only shall be subject to the requirements of subsection (2) above.

(4) The minimum amounts referred to in paragraphs (2) and (3) above shall be maintained at the premises at all times they are licensed with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(5) Stores other than grocery stores must establish that their principal business is the sale of goods rather than services.

(6) Stores whose principal business is to be the sale of wine must submit to the board a written commitment to establish and maintain a minimum wholesale inventory of wine in the amount of \$3,000 prior to the issuance of a license. This minimum inventory shall be maintained at the licensed premises at all times they are licensed.

(7) *Provided:* That subsections (2), (3), (4) and (6) of this regulation shall not apply to stores licensed prior to the effective date of this regulation unless on that date they do meet the minimum inventory figures required by those subsections. *Provided, further,* That upon a change of the ownership of these licensed stores, it will be necessary for the requirements of this regulation to be met prior to the issuance of a new license. [Order 55, § 314-16-200, filed 5/31/77, effective 7/1/77.]

Chapter 314-20 WAC

BEER--BREWERS, HOLDERS, IMPORTERS, ETC.

WAC

314-20-005	Application procedure—Beer wholesaler's or importer's license.
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314-20-015	Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation (Rule 37.5).
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314-20-040	Beer in transit stamps—General (Rule 40).
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314-20-150	Beer importers—Responsibility—Taxes—Stamps (Rule 54).
314-20-160	Importer of foreign beer—Certificate of approval required—Reports—Payment of tax (Rule 55).
314-20-170	Holders of certificates of approval (Rule 56).

WAC 314-20-005 Application procedure—Beer wholesaler's or importer's license. Any person making application for a new beer wholesaler's or importer's license shall submit to the board, as a condition precedent to the board considering the application, such information as may be requested by the board and shall additionally submit a written commitment from a manufacturer or importer that the product the applicant proposes to distribute is available to him should a license be issued.

The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. The submission of the above information and written commitment shall not be

construed as creating a vested right in the applicant to have a license issued. [Order 55, § 314-20-005, filed 5/31/77.]

WAC 314-20-010 Brewers—Importers—Wholesalers—Monthly reports—Tax refund procedures (Rule 37). (1) The holders of licenses to manufacture malt liquors within the state of Washington and holders of certificates of approval and importers who import malt liquors manufactured outside the United States must at all times when said licenses or certificates of approval are in force have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board, which bond shall be payable to the Washington State Liquor Control Board and conditioned that such licensee or holder of certificate of approval will pay to the board the tax levied by virtue of RCW 66.24.290 (sec. 24 of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture malt liquors within the state of Washington shall, in addition to the statement required to be made by RCW 66.24.280 (sec. 23F (1) of the Washington State Liquor Act), on or before the tenth day of each month make a report to the board upon forms furnished by the board, of all sales of beer in and out of the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon.

(3) Every person, firm or corporation holding a license to import beer into the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the tenth day of each month of all beer imported into the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon: *Provided, however,* That said tax shall be paid on behalf of the importer of such beer by the holders of certificates of approval at the time that said holders of certificates of approval furnish to the board the report required under RCW 66.24.270 and WAC 314-20-170: *Provided, further,* That the report method of payment of tax shall be exclusive of any other method. In the event beer has been imported into the state of Washington upon which the tax has not been paid, or payment arranged as herein provided, the beer importer shall pay the tax due thereon prior to any transfer to any other beer importer or wholesaler.

(4) Failure to make such report or pay said tax at the time prescribed will be sufficient ground for the board to forthwith suspend or cancel the license privilege of the delinquent brewer or importer or the certificate of approval of the brewer located outside the state of Washington. In addition, in case of any such delinquency, the board shall immediately give notice to the surety on such brewer's, importer's or certificate of approval holder's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(5) In consideration of the foregoing requirements, revenue stamps evidencing payment of said tax shall not

be used on any package containing beer manufactured by brewers within the state or imported into the state by a beer importer, nor shall it be required that "in transit" stamps be affixed to packages containing any beer manufactured in the state of Washington when the same is exported directly to a point outside the geographical confines of the state by such manufacturers. Neither shall it be required that "in transit" stamps be affixed to packages of beer being shipped in interstate commerce from one point outside this state, through this state, to another point outside the geographical confines of this state. In the case of beer manufactured by a brewer within the state or imported into the state of Washington by a beer importer and either sold to beer wholesalers for export from the state or exported directly by the importer, such manufacturer or importer must either pay the tax on beer so sold or affix "in transit" stamps, if not previously affixed, to all packages containing such beer, as provided in WAC 314-20-040(1).

(6) Beer wholesalers or beer importers who export beer to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.290 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, beer sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975, 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. Such tax shall not be paid on beer being shipped in interstate commerce from a point outside this state directly through the state to another point outside the geographical confines of this state. [Order 40, § 314-20-010, filed 8/21/75; Order 8, § 314-20-010, filed 11/24/69, effective 12/26/69; Rule 37, filed 6/13/63.]

WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation (Rule 37.5).

(1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises: *Provided,* That beer so sold at retail shall be subject to the tax imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010 (Rule 37).

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a Class H restaurant, licensed pursuant to

RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A brewer may serve beer without charge on the brewery premises, as authorized by RCW 66.28.040. Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served. [Order 61, § 314-20-015, filed 12/6/77; Order 40, § 314-20-015, Rule 37.5, filed 8/21/75.]

WAC 314-20-020 Beer labels—Certificate of label approval required—Labels and product samples to be submitted—Analysis fee—Proprietary labels prohibited (Rule 38). (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with section 44 of the Washington State Liquor Act as amended (RCW 66.28.120). No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on forms prescribed by the board, together with the following:

(a) Two bottle labels or two photostatic copies of can flats of the brand and type of beer for which approval is requested, and a list of container sizes on which the label is to be used;

(b) Two product samples of approximately 12-ounce size, or one quart of the beer for chemical analysis;

(c) Payment of a fee of \$5.00 for each chemical analysis;

(d) One copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires re-issuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) If a change in product has been made, a sample of such beer must be submitted for analysis, as provided in subsection (2) of this regulation. No analysis fee is required if the application is for approval of a revised label only, where no change has been made in the content of a previously approved product.

(5) No label shall be used that is misleading or indicates that the retailer is the brewer or producer thereof, and no label shall be used which contains the name of the seller or purveyor in any manner, and no "proprietary" label shall be used nor shall any label be restricted substantially to one retail outlet or to retail outlets under common ownership or associated together in, by or through a buying organization or agency or in any manner which represents a common identity to the

public. The term "proprietary" label shall include any label which in the opinion of the board is being restricted in distribution by a brewer, importer or wholesaler, and such restriction shall be found to exist when only token or nominal sales are made to retail licensees other than those to whom volume sales are obviously restricted, and when the label is not continuously offered and distributed to retail licensees generally in the same manner and to the same extent as unrestricted labels are offered and distributed.

(6) Every producer, importer, or wholesaler of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to the analysis of that brand of beer approved originally by the board. [Order 42, § 314-20-020, filed 11/6/75; Order 19, § 314-20-020, filed 8/10/72; Rule 38, filed 6/13/63.]

WAC 314-20-030 Packages—Classification (Rule 39). No manufacturer, wholesaler or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and capacities from the following classifications:

Barrels —Whole barrels, 1/2 barrels, 1/4 barrels.
 Packages—24/7 oz., 32/7 oz., 35/7 oz., 36/7 oz., 48/7 oz.
 12/8 oz., 24/8 oz., 35/8 oz., 36/8 oz., 48/8 oz.
 12/11 oz., 24/11 oz., 48/11 oz.
 12/12 oz., 24/12 oz., 48/12 oz.
 12/15 oz., 24/15 oz., 48/15 oz.
 12/16 oz., 24/16 oz., 48/16 oz.
 12/24 oz.
 12/32 oz., 24/32 oz.

Provided, however, That beer manufactured in a foreign country may be imported and sold within the state in package and case sizes customarily used in such foreign country, and which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department. [Statutory Authority: RCW 66.08.030, 66.98.070, & Title 34 RCW. 78-02-031 (Order 64), § 314-20-030, filed 1/17/78; Order 49, § 314-20-030, filed 8/26/76, effective 9/26/76; Order 19, § 314-20-030, filed 8/10/72; Rule 39, filed 6/13/63.]

WAC 314-20-040 Beer in transit stamps—General (Rule 40). (1) Any beer imported into the state of Washington intended for export may be exported by the importer (as provided in WAC 314-20-170), provided beer "in transit" stamps are properly affixed to the outside of the packages or containers. Any brewer within or without the state of Washington or any importer may elect to pay the tax imposed by RCW 66.24.290 (sec. 24 of the Washington State Liquor Act) on all beer shipped to importers or beer wholesalers within the state of Washington in lieu of affixing "in transit" stamps to all packages and containers of beer shipped to such wholesalers and importers, provided such beer meets all requirements for sale within the state of Washington. Beer manufactured in the state of Washington and exported

from the state may not be brought back into the state without the permission of the board first obtained.

(2) In the case of beer imported into the state of Washington, beer importers and beer wholesalers may export such beer upon which the taxes have been paid, but no refunds on account of the tax paid on such beer so exported shall be claimed nor any refunds made under the authorization of RCW 66.24.300 unless such claims are submitted to the board in conformity with WAC 314-20-010(6).

(3) "In transit" stamps must be procured from the board by the manufacturer or importer in sufficient quantities so as to avoid delay to shipments. Orders for "in transit" stamps must be accompanied by cash, post office money order or check. If order is to be forwarded by mail, money or postage stamps to cover mailing thereof must also accompany order. "In transit" stamps may also be forwarded by express, collect, but when transmitted by express or by mail in any manner, it will be at the risk of the party ordering the same.

(4) Under no circumstances shall unaffixed or loose "in transit" stamps be acquired by a licensee or holder of a certificate of approval except from the board direct. [Order 42, § 314-20-040, filed 11/6/75; Rule 40, filed 6/13/63.]

WAC 314-20-050 Beer wholesalers--Records--Preservation (Rule 44). Beer wholesalers must keep beer accounts separate and independent from other accounts and must keep a perpetual inventory by brands, types and package sizes of beer, such inventory to be reconciled with a physical inventory at the end of each month, and maintain proper records in a form approved by the board, showing all transactions in beer, and must in case of beer exported or beer sold, transferred or shipped to another wholesaler, preserve all bills of lading or other evidence of shipment for a period of two years after such exportation, and must in the case of sales to retailers preserve all sales slips and keep the same on file in the office of the wholesaler for at least two years after each sale. [Rule 44, filed 6/13/63.]

WAC 314-20-060 Beer wholesalers and importers--Reports--Stamps (Rule 45). All beer wholesalers and beer importers who during any month have received, handled or had on hand at the end of such month any beer imported into the state of Washington by them with beer "in transit" stamps only affixed to the package or container upon which the tax has not been paid, shall, on or before the tenth day of the succeeding month, furnish to the board a report, upon forms prescribed or furnished by the board, showing the disposition of all tax free beer, and if exported from the state, the name and address of the person to whom exported. Such report shall also show the number, brand or trade name, type and size of all packages and containers, respectively. [Rule 45, filed 6/13/63.]

WAC 314-20-070 Bad order claims--Replacement of overaged beer--Procedures (Rule 46). Bad order

claims shall be made, adjusted and record thereof preserved as follows:

(1) No bad order claim shall be allowed except by a brewer or beer importer;

(2) No bad order claim shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) No bad order claim shall be accepted unless the same is made by the retailer in quadruplicate upon forms furnished by the board;

(4) After the claim has been made out in quadruplicate, one copy (blue) shall be torn from the book and retained by the retailer; one copy (yellow) shall be torn from the book and retained by the wholesaler in those cases where the wholesaler acts as agent of the brewer in accepting the claim; the original and one copy (pink) shall be torn from the book and forwarded to, or retained by, the brewer or beer importer for action upon the claim;

(5) At the time of making the final adjustment of the claim, the brewer or beer importer shall mail to the board the pink copy, endorsing thereon the action taken by the brewer or beer importer, together with a certification that in his opinion the claim was valid to the amount allowed;

(6) All adjustments of bad order claims shall be made by check issued by the brewer or beer importer and payable to the retailer, bearing the bad order claim number or numbers for which adjustment is made;

(7) All documentary evidence relating to the claim shall be preserved by the retailer and brewer or beer importer for two years after the date of submission of the claim;

(8) No brewer or beer importer shall allow, or shall any retailer make claim for, a bad order claim unless the container or the beer is in fact defective;

(9) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer wholesaler from whom the beer was purchased, provided it is immediately replaced by the beer wholesaler with a like quantity, type and brand of beer;

(10) Wholesalers who replace unsalable or overaged packaged beer as provided in subsection (9) of this regulation, shall maintain complete records of all such transactions, with such records to be readily available for inspection by authorized employees of the board.

(11) Salable or unsalable beer may be returned by a retail licensee to the beer wholesaler selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that written consent of the board is first had and obtained;

(12) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer wholesaler, brewer or beer importer. [Order 49, § 314-20-070, filed 8/26/76, effective 9/26/76; Rule 46, filed 6/13/63.]

WAC 314-20-080 Sales to vessels (Rule 47). (1) Tax paid beer may be sold direct by beer wholesalers to:

(a) Vessels engaged in foreign commerce and operating on regular schedules.

(b) Vessels engaged in interstate commerce and operating on regular schedules.

(c) Vessels commonly known as "tramps", engaged in interstate and/or foreign commerce but not operating on regular schedules and taking cargo when and where it offers and to any port.

(2) Beer may not be sold direct by beer wholesalers to any other class of boat or vessel unless the boat or vessel is in possession of a proper retail license. [Rule 47, filed 6/13/63.]

WAC 314-20-090 Cash sales (Rule 48). No beer wholesaler nor brewer or beer importer holding a beer wholesaler's license shall sell or deliver beer to any retailer except for cash paid at the time of the delivery thereof: *Provided*, That in individual and particular cases, upon consent of the board first had and obtained, in writing, cash may be paid prior to the delivery of beer sold to any retailer. [Order 24, § 314-20-090, filed 6/28/73; Rule 48, filed 6/13/63.]

WAC 314-20-100 Beer wholesale price posting (Rule 49). (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(3) Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(a) all brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(4) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(5) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(6) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(7) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of

approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with WAC 314-20-105 (Rule 49.5), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: *Provided*, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105 (Rule 49.5).

(8) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(9) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(10) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: *Provided, however*, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW. 78-02-056 (Order 62), § 314-20-100, filed 1/20/78, effective 7/1/78; Order 54, § 314-20-100, filed 5/24/77, effective 7/1/77; Order 51, § 314-20-100, filed 12/15/76; Order 18, § 314-20-100, filed 1/13/72, effective 2/14/72; Order 15, § 314-20-100, filed 5/13/71, effective 7/1/71; Rule 49, filed 6/13/63.]

WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda (Rule 49.5). (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

(2) No contract or memorandum of oral agreement shall become effective until fifteen days after the actual filing thereof with the board. In the event a contract or memorandum of oral agreement is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.

(a) An exception is set forth in subsection (7) of WAC 314-20-100 which provides for a change in wholesalers.

(3) Prices filed by a licensed brewer shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(4) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(5) No licensed brewer shall sell or offer to sell any package or container of beer to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.

(6) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer wholesaler, and every beer wholesaler who sells beer to another beer wholesaler.

(7) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.

(8) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board

shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(9) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential. [Order 54, § 314-20-105, Rule 49.5, filed 5/24/77, effective 7/1/77; Order 51, § 314-20-105, filed 12/15/76; Order 15, § 314-20-105, filed 5/13/71, effective 7/1/71.]

WAC 314-20-110 Beer importers--Principal office (Rule 50). Each beer importer shall keep the board informed at all times of the location of the principal office required by section 23-G, subdivision (2) of the Washington state liquor act (RCW 66.24.260) and shall, not less than two days prior thereto notify the board in writing or by telegraph of any change in the location of such office. [Rule 50, filed 6/13/63.]

WAC 314-20-120 Beer importers--Warehouses (Rule 51). Beer importers maintaining warehouses at which beer imported by such importer is stored shall at all times keep the board advised of the location of such warehouse. [Rule 51, filed 6/13/63.]

WAC 314-20-130 Imported beer--List filed--Labels (Rule 52). Each beer importer shall at all times keep on file with the board a list showing all beers which such importer intends to import, which list shall contain the trade name of the beer, the name of the brewer, and the location of the brewery at which such beer is manufactured. No beer shall be imported until duplicate copies of all beer labels intended to be used shall have been submitted to and approved by the board or its accredited representative. [Rule 52, filed 6/13/63.]

WAC 314-20-140 Beer importers--Certain duties (Rule 53). No beer importer shall import or transport or cause to be transported into the state of Washington any brand of beer manufactured within the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the brewer manufacturing such beer has obtained from the Washington state liquor control board a certificate of approval as provided in section 23-F of the Washington state liquor act (RCW 66.24.270). [Rule 53, filed 6/13/63.]

WAC 314-20-150 Beer importers—Responsibility—Taxes—Stamps (Rule 54). Each beer importer shall be finally responsible for the payment of any and all taxes due the state of Washington on account of any beer imported by him. No beer importer shall import any beer into the state unless and until said importer has arranged with the holder of a certificate of approval for the payment to the board of the tax thereon. Beer intended for export and imported with beer "in transit" stamps properly affixed to the packages or containers is tax free and the holder of the certificate of approval shall not pay any tax thereon. Beer importers desiring to import beer for export should notify the brewer manufacturing such beer of the quantity of beer intended for export so that such brewer may properly affix beer "in transit" stamps to the packages or containers intended for export. However, upon consent of the board first had and obtained, the proper affixation of the "in transit" stamps may be made by some person other than the brewer manufacturing the beer under such rules as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally. [Rule 54, filed 6/13/63.]

WAC 314-20-160 Importer of foreign beer—Certificate of approval required—Reports—Payment of tax (Rule 55). Beer manufactured outside of the United States may be imported by a beer importer, but only under the following conditions:

(1) The beer importer must be the holder of a certificate of approval, and shall furnish the bond required by WAC 314-20-010.

(2) The beer importer importing such beer shall be at all times solely responsible for the payment of any and all taxes due the state of Washington on account of such beer. Such beer shall be imported and delivered directly to either the warehouse of the importer or to some other warehouse previously designated by the importer and approved by the board.

(3) On or before the tenth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board, setting forth the quantity, brand, type, and package sizes of such beer and shall pay to the board the tax due thereon as provided in WAC 314-20-010.

(4) All matters pertaining to the importation, transportation, storage, payment of taxes and keeping of records, and all other matters pertaining to the importation of beer manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally. [Order 14, § 314-20-160, filed 12/1/70, effective 1/1/71; Rule 55, filed 6/13/63.]

WAC 314-20-170 Holders of certificates of approval (Rule 56). Each brewer holding a certificate of

approval may ship beer only to licensed beer importers. In those cases where the beer importer orders beer for export and requests that such beer be stamped with beer "in transit" stamps, the beer may be shipped, provided the appropriate beer "in transit" stamps are properly affixed to the packages or containers, subject to the exception as provided in WAC 314-20-040(1). As a part of the reports required by RCW 66.24.270 (sec. 23-F of the Washington state liquor act) and by the written agreement embodied in the application for certificate of approval, and at the time of filing monthly report with the board, each brewer holding a certificate of approval shall pay the tax on behalf of the beer importer on all shipments of beer to such importers during the preceding calendar month, other than beer shipped with "in transit" stamps affixed, and shall make report as follows: (1) Such report shall show the quantity of beer sold or delivered to each licensed beer importer during the preceding month, together with the number, type and size of the packages or containers, respectively, and the date and invoice number of each shipment of such beer; (2) a statement showing the respective amount of "in transit" stamps affixed to the packages or containers; and (3) all reports shall be made upon forms prescribed and furnished by the Washington state liquor control board. [Rule 56, filed 6/13/63.]

Chapter 314-24 WAC

DOMESTIC WINERIES AND DOMESTIC WINE WHOLESALESA

WAC

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314-24-190	Wine wholesale price posting (Rule 81).

- 314-24-200 Wine suppliers' price filings, contracts and memoranda (Rule 82).
 314-24-210 Return of wine by retailer—Replacement—Conditions (Rule 83).

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-24-010 Eligibility. [Rule 59, filed 6/13/63.] Repealed by Order 5, filed 8/7/69, effective 9/8/69.
 314-24-030 Domestic winery defined. [Order 5, § 314-24-030, filed 8/7/69, effective 9/8/69; Resolution 6, Rule 61, filed 4/7/66; Resolution 5, filed 9/22/65; Rule 61, filed 6/13/63.] Repealed by Order 14, filed 12/1/70, effective 1/1/71.

WAC 314-24-003 Standards of identity for wine.

(1) Application of standards. The standards of identity for the several classes and types of wine set forth herein shall be applicable to all wines produced, imported, bottled, offered for sale, or sold within this state for beverage use or any other purpose, except as hereinafter prescribed. The standards herein established are minimum standards for wines of the several classes and types defined.

(2) Standards of identity. The several classes and types of wine set forth herein shall be as follows:

(a) Wine (or Grape Wine). "Wine" is the product of the normal alcoholic fermentation of the juice of sound, ripe grapes (including pure condensed must), with or without added grape brandy or other spirits derived from grapes or grape products, and containing not to exceed 20.87 percent alcohol by volume, but without any other addition or abstraction whatsoever except such as may occur in normal cellar treatment: *Provided*, That the product may be ameliorated before, during or after fermentation by the use of pure dry sugar, a combination of water and pure dry sugar, liquid sugar, invert sugar syrup, grape juice or concentrated must, but only in accordance with federal regulations 26 CFR part 240, and the total solids of the wine shall in no case exceed 21 percent by weight. The maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be, for red table wine, more than 0.14 gram, and for all other wine, more than 0.12 gram in both cases per 100 cubic centimeters (20 degrees C.). The maximum sulphur dioxide content of any wine shall not be greater than 350 parts per million of total sulphur dioxide or sulphites expressed as sulphur dioxide.

Pure Condensed Must. "Pure condensed must" means the dehydrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° Brix, the composition thereof remaining unaltered except for removal of water; the term "re-stored pure condensed must" means pure condensed must to which has been added an amount of water not exceeding the amount removed in the dehydration process; and the term "sugar" means pure cane, beet, or dextrose sugar in dry form containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

(b) Natural Wine is the product of the juice of sound, ripe grapes, or the product of the juice of sound ripe

fruit or berries other than grapes, produced in accordance with section 5381, I.R.C., and federal regulations 26 CFR part 240, as applicable.

(c) Red and White Wine. Red wine is wine which contains the red coloring matter of the skins, juice, or pulp of grapes; pink, amber or rose wine is wine which contains partial red coloring of the skins, juice, or pulp of grapes; and white wine is wine which does not contain the red coloring matter of the skins, juice, or pulp of grapes.

(d) Table Wine (including light wine, light grape wine, light red wine, light white wine, and natural wine) is wine containing not to exceed 14 percent alcohol by volume. The maximum Balling or Brix saccharometer test for any table wine shall not be more than 14 percent (at 20 degrees C. using a saccharometer calibrated at this temperature) when the test is made in the presence of the alcoholic content provided herein.

(e) Dessert Wine (including appetizer wine) is wine containing more than 14 percent alcohol by volume, and not to exceed 20.87 percent alcohol by volume. Angelica, Madeira, Malaga, Marsala, Muscatel, Port, White Port, Sherry, and Tokay are types of dessert wine containing added grape brandy or other spirits derived from grapes or grape products, possessing the taste, aroma and other characteristics generally attributed to these products, and having an alcoholic content of not less than 17 percent by volume in the case of Sherry, and not less than 18 percent in the case of all other types named in this paragraph.

(f) Aperitif Wine is grape wine, containing added grape brandy or other spirits derived from grapes or grape products and having an alcoholic content of not less than 15 percent by volume flavored with herbs and other natural aromatic flavoring materials and possessing the taste, aroma and other characteristics generally attributed to wine of this class.

(g) Vermouth is a type of aperitif wine made from grape wine and possessing the taste, aroma and other characteristics generally attributed to vermouth.

(h) The term vintage wine means a wine produced wholly from (i) grapes gathered and (ii) the juice therefrom fermented, in the same calendar year and in the same viticultural area (e.g., county, state, department, province, or equivalent geographic area, or subdivision thereof), as identified on the label of such wine.

(i) Sacramental Wine. Wine used solely for sacramental purposes may possess such alcoholic content not exceeding 20.87 percent by volume as required by ecclesiastical codes.

(j) Sparkling Grape Wine (including sparkling wine, sparkling red wine, and sparkling white wine) is grape wine made effervescent with carbon dioxide resulting solely from the fermentation of the wine within a closed container, tank or bottle.

(k) Champagne is a type of sparkling light white wine which derives its effervescence solely from the secondary fermentation of the wine within glass containers of not greater than one gallon capacity, and which possesses the taste, aroma, and other characteristics attributed to

champagne as made in the Champagne District of France.

(l) A Sparkling Light Wine having the taste, aroma, and characteristics generally attributed to champagne but not otherwise conforming to the standard for champagne may, in addition to but not in lieu of the class designation sparkling wine, be further designated as champagne style, or champagne type or American (or New York State, California, etc.) champagne—bulk process; all the words in such further designation shall appear in lettering of substantially the same size and such lettering shall not be substantially larger than the words "sparkling wine".

(m) Pink (or Rose) Champagne is a type of sparkling pink wine otherwise conforming to the definition of champagne, and shall be labeled in the same manner as champagne except that the designation Pink (or Rose) champagne shall be used in lieu of the designation champagne.

(n) Sparkling Burgundy and Sparkling Moselle are types of sparkling wine possessing the taste, aroma and characteristics attributed to these products.

(o) Carbonated Wine (including carbonated grape wine, carbonated red wine, carbonated pink (or rose) wine and carbonated white wine) is wine made effervescent with carbon dioxide other than that resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle.

(p) Fruit Wine is wine produced by the normal alcoholic fermentation of the juice of sound, ripe fruit (other than grape), including pure condensed fruit must, with or without added fruit brandy or fruit spirits distilled from the same type of fruit or fruit products as the wine to which such fruit brandy or fruit spirits is added, and containing not to exceed 20.87 percent of alcohol by volume but without any other addition or abstraction whatsoever except such as may occur in normal cellar treatment: *Provided*, That the product may be ameliorated before, during, or after fermentation by the addition of water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, invert sugar syrup and concentrated and unconcentrated juice of the same fruit, but, only in accordance with federal regulations and the total solids of the wine shall in no case exceed 21 percent by weight.

The maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be for natural fruit wine, more than 0.14 gram, and for other fruit wine, more than 0.12 gram, per 100 cubic centimeters (20 degrees C.).

(q) Light Fruit Wine (including natural fruit wine) is fruit wine containing not to exceed 14 percent alcohol by volume.

(r) Fruit wine derived wholly (except for sugar, water, or added fruit brandy or fruit spirits) from one kind of fruit shall be designated by the word wine, qualified by the name of such fruit; e.g., peach wine, orange wine, blackberry wine, etc. Fruit wine not derived wholly from one kind of fruit shall be designated as fruit wine or berry wine, as the case may be, qualified by a truthful

and adequate statement of composition appearing in direct conjunction therewith. Fruit wines derived wholly (except for sugar, water, or added fruit brandy or fruit spirits) from apples or pears may if desired be designated cider, and perry, respectively, and shall be so designated if lacking in vinous taste, aroma, and other characteristics. Fruit wine rendered effervescent by carbon dioxide resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle shall be further designated as sparkling, and fruit wine rendered effervescent by carbon dioxide otherwise derived shall be further designated as carbonated.

(s) Berry Wine is fruit wine produced from berries.

(t) Citrus Wine or Citrus Fruit Wine is fruit wine produced from citrus.

(u) Wine from other agricultural products. Sake is wine produced from rice in accordance with the commonly accepted method of producing such product.

(v) Other agricultural wines (such as honey wine), the production or sale of which is not prohibited by these regulations, shall be made in accordance with the commonly accepted standards of such product.

(w) Specialty Wine is wine not otherwise herein defined, produced in accordance with commercial standards for such wines. Such wines may bear a fanciful proprietary designation and shall be labeled with a truthful and adequate statement of composition or with any commonly accepted trade designation indicative of such composition.

(x) Specially Sweetened Natural Wine (a wine such as Kosher wine) is wine produced in accordance with federal regulation 26 CFR part 240.

(y) High Fermentation Wine is a grape or fruit wine made within the limitations of Regulation (57)(2)(a) for grape wine, and Regulation (57)(2)(p) for fruit wine, except that the alcohol content after complete fermentation or complete fermentation and sweetening is more than 14 percent and that wine spirits may not be added, produced in accordance with federal regulation 26 CFR part 240.

(z) Special Natural Wine is a flavored wine made on bonded wine cellar premises from a base of natural wine, in conformity with federal regulation 26 CFR part 240.

(3) Grape-type designations. A name indicative of variety of grape may be employed as the type designation of a wine if the wine derives its predominate taste, aroma, and other characteristics, and at least 51 percent of its volume, from that variety of grape.

(4) Appellations of origin. A wine shall be entitled to an appellation of origin if:

(a) At least 75 percent of its volume is derived from both fruit or other agricultural products both grown and fermented in the place or region indicated by such appellation;

(b) It has been fully produced and finished within such place or region; and

(c) It conforms to the requirements of the laws and regulations of such place or region governing the composition, method of production and designation of wines for consumption within such place or region of origin.

(5) Conformance to state standards required. Wines of any defined class or type labeled or advertised under appellation of origin such as Spanish, New York, Ohio, Finger Lakes, California, etc., shall meet the requirements of standards herein prescribed applicable to such wines and shall, in addition, contain the minimum percentage of alcohol and conform as to composition in all other respects with all standards of identity, quality and purity applicable to wines of such classes or types marketed for consumption in the place or region of origin.

For example, all grape wines bearing labels showing California as the origin of such wine, shall be derived one hundred percent from grapes grown and wine from such grapes fermented within the state of California, shall contain no sugar or material containing sugar, other than pure condensed grape must; and any type of grape dessert wine (except sherry) shall contain not less than 18 percent of alcohol by volume; any type of sherry shall contain not less than 17 percent alcohol by volume; except as hereinbefore provided. Wines subjected to cellar treatment outside the place or region of origin, and blends of wine of the same origin, blended together outside the place or region of origin (if all the wines, in the blend have a common class, type, or other designation which is employed as the designation of the blend), shall be entitled to the same appellation of origin to which they would be entitled if such cellar treatment of blending took place within the place or region of origin.

(6) Grape-type designations, generic, semi-generic and non-generic designations of geographic significance, are subject to the same requirements as set forth under No. 27, Code of Federal Regulations, Part 4. [Order 14, § 314-24-003, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-003, filed 8/7/69, effective 9/8/69.]

WAC 314-24-006 Substandard wines prohibited. Application of this Regulation. The production, importation or sale of, wine, which fails to conform to the standards prescribed in Regulation (57) hereof, or of any wine fermented from raisins, dried fruits, or dried berries, or of any imitation or substandard wine as hereinafter defined, is hereby prohibited.

(1) Imitation wine shall include:

(a) Any wine containing synthetic materials;
(b) Any wine made from a mixture of water with residues remaining after thorough pressing of grapes, fruit or other agricultural products;

(c) Any class or type of wine, the taste, aroma, color or other characteristics of which have been acquired in whole or in part by treatment with methods or materials of any kind, if the taste, aroma, color or other characteristics of normal wines of such class or type are acquired without such treatment; or

(d) Any wine made from "must" concentrated at any time to more than 80 degrees (Balling).

(2) Substandard wine shall include:

(a) Any wine having a volatile acidity in excess of the maximum prescribed therefor in these regulations;

(b) Any wine for which no maximum volatile acidity is prescribed in these regulations having a volatile acidity, calculated as acetic acid and exclusive of sulphur

dioxide, in excess of 0.14 gram per 100 cubic centimeters (20 degrees C.);

(c) Any wine for which a standard of identity is prescribed in these regulations which, through disease, decomposition, or otherwise, fails to have the composition, color, and clean vinous taste and aroma of normal wines conforming to such standard; or

(d) Wine of any class or type containing added water, or sugar and water solution, in excess of the quantities expressly authorized for standard wine made from the same kind or kinds of materials as prescribed in Regulation (57).

(3) Coined names:

(a) The sale in this state of wines, identified on labels or in advertisements by a type of brand designation which implies mixtures of wines for which standards of identity are established in these regulations, or which identifying type or brand designation resembles an established wine type name such as Angelica, Madeira, Muscatel, Port, White Port, Sherry, Tokay, Sauterne, Claret, Burgundy, etc., is hereby prohibited.

(b) The sale in this state of wine or combinations of wine and other alcoholic beverages which contain on the label statements such as whiskey wine, rum and wine, gin and wine, beer and wine, etc., or simulations of such combinations, is hereby prohibited.

(4) Containers:

(a) The sale of wine in any container originally designed for a product other than wine or in any container the design or shape of which would tend to mislead the consumer as to the nature of the contents, is hereby prohibited.

(b) The sale of wine in containers which have blown, branded or burned therein the name or other distinguishing mark of any person engaged in business as a wine producer, importer, wholesaler, or bottler or any other person different from the person whose name is required to appear on the brand label, is hereby prohibited. [Order 5, § 314-24-006, filed 8/7/69, effective 9/8/69.]

WAC 314-24-020 Sanitation (Rule 60). Domestic winery premises shall be constructed, kept and maintained in a clean and sanitary condition, and in accordance with such rules and regulations as shall be prescribed by the State Department of Agriculture through the Dairy and Food Division, for the sanitation thereof and applicable to the sanitation of such winery premises. [Order 5, § 314-24-020, filed 8/7/69, effective 9/8/69; Rule 60, filed 6/13/63.]

WAC 314-24-040 Certificate of label approval required--Product samples and labels to be submitted--Analysis fee (Rule 62). No wine shall be imported or sold within the state of Washington until the certificate of approval holder, or domestic winery, or United States importer of foreign wine, shall have obtained from the board a certificate of label approval for such wine.

(1) A request for certificate of label approval must be submitted to the board on forms prescribed by the board, together with the following:

(a) Two labels of the brand and type for which approval is requested, and a list of the container sizes on which the label is to be used;

(b) Two pint samples (or two containers of 375 milliliters each), or one four-fifths quart (or 750 milliliters), or one quart (or one liter) of the finished wine for chemical analysis: *Provided, however,* That if such wine is available only in containers of larger capacity than one liter, such a sample may be submitted in such package size nearest in quantity to one liter;

(c) Payment of a fee of \$5.00 for each chemical analysis; and

(d) One copy of the federal certificate of label approval for such wine which has been issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(2) Any change in label or product which requires re-issuance of federal approval under the provisions of 27 CFR Part 4, must also be submitted to the board in accordance with the foregoing provisions of this regulation.

(3) If a change in product has been made, a sample of said wine must be submitted for analysis, as provided in subsection (1)(b) and (c) of this regulation. No fee is required if the application is for approval of a revised label only, where no change has been made in the content of a previously approved product.

(4) The board may, upon written request, where rare vintage wines of limited quantity are concerned, issue a certificate of label approval based on the condition that such a wine has received federal label approval. In submitting such a request the applicant should furnish the board with a copy of the federal certificate of label approval and file certified information confirming that such wine is actually of rare vintage and of limited quantity.

(5) Every producer, importer, bottler, or wholesaler of wine shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of wine upon its premises for the purpose of analysis in order to determine whether the wine conforms to the analysis of that brand of wine approved originally by the board. [Order 57, § 314-24-040, filed 7/28/77, effective 9/1/77; Order 42, § 314-24-040, Rule 62, filed 11/6/75; Order 19, § 314-24-040, filed 8/10/72; Order 5, § 314-24-040, filed 8/7/69, effective 9/8/69; Rule 62, filed 6/13/63.]

WAC 314-24-050 Alcoholic content (Rule 63). No wine shall exceed twenty and eighty-seven hundredths percent (20.87%) of alcohol by volume at 60 degrees Fahrenheit, calculated from the distillate.

Label Tolerance:

(1) The alcoholic content of wines containing in excess of fourteen percent (14%) of alcohol by volume shall be within one percent (1%) plus or minus of the label claim, but not to exceed the prescribed 20.87% limitation. In the event a maximum range of two percent (2%) is stated on the label, the alcoholic content must be within the stated range.

(2) The alcoholic content of wines containing less than fourteen percent (14%) of alcohol by volume shall be

within one and one-half percent (1 1/2%) plus or minus of the label claim. In the event a maximum range of three percent (3%) is stated on the label, the alcoholic content must be within the stated range. [Order 5, § 314-24-050, filed 8/7/69, effective 9/8/69; Rule 63, filed 6/13/63.]

WAC 314-24-060 Quality standards (Rule 64). All wines of the types and classes hereinafter set forth sold in the state of Washington shall meet the following requirements.

Acid content:

(1) Volatile acids:

- (a) Red table wines Not over 0.14%, exclusive of sulfur dioxide, calculated as acetic acid.
- (b) All other wines Not over 0.12%, exclusive of sulfur dioxide, calculated as acetic acid.

(2) Fixed acids:

- (a) Grape wine:
 - (i) Table wine . . . Not less than 0.4% calculated as tartaric acid.
 - (ii) Dessert wine . . . Not less than 0.25% calculated as tartaric acid.
- (b) Apple wine Not less than 0.15% calculated as malic acid.
- (c) Fruit wine Not less than 0.5% calculated as citric acid.
- (d) Berry wine Not less than 0.5% calculated as citric acid.

(3) Brix (Ballings):

- (a) Port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (b) White port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (c) Muscatel wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (d) Tokay wine Minimum of 3.5 Brix at 20 degrees centigrade.
- (e) Dry sherry wine Under 0.5 Brix at 20 degrees centigrade.
- (f) Sherry wine Under 3 Brix at 20 degrees centigrade.
- (g) Creme or sweet sherry wine Above 3 Brix at 20 degrees centigrade.

(4) Sulfur dioxide: Maximum of 350 parts per million total.

(5) Preservatives: No wines shall contain preservatives such as benzoic acid, salicylic acid or monochloroacetic acid, or their derivatives.

(6) Stability: All wines shall be free from precipitates, colloidal matter, metallic casse, haze due to yeast, bacteria, tartrates, or other causes as determined by usual stability tests.

[Order 14, § 314-24-060, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-060, filed 8/7/69, effective 9/8/69; Rule 64, filed 6/13/63.]

WAC 314-24-070 Domestic wineries--Purchase and use of bulk wines, brandy or wine spirits--Import permit required--Records (Rule 65). (1) Domestic wineries may purchase and receive under federal bond from any holder of a domestic winery license, holder of the fruit and/or wine distillery license provided in Section 23-D of the Washington State Liquor Act (RCW 66.24.140), or out-of-state holder of a federal winery or fruit distillery license, bulk wine, brandy or bulk wine spirits manufactured or produced by such holder, and use the same in the manufacture or production of wines: *Provided*, That every domestic winery which imports wine, brandy or wine spirits manufactured outside the state of Washington for use as authorized in this section must first be in possession of a permit issued by the board, in accordance with RCW 66.20.010(4) of the Washington State Liquor Act. Applications for such permits must be submitted to the board, in writing, together with a fee of \$25.00. Such permits expire at the end of the board's fiscal year, and are subject to renewal at that time upon written request and remittance of said annual fee. Wine manufactured or produced from one kind of fruit or berry may not receive wine, brandy or wine spirits manufactured or produced from another kind of fruit or berry. Such brandy or wine spirits so purchased shall be used exclusively and only for the purpose of adding wine spirits to wines. In those cases where the holder of a domestic winery license shall also hold such fruit and/or wine distillery license, then, and in such cases, such domestic winery may use brandy or wine spirits manufactured or produced under such distillery license as a wine spirits addition in the manufacture or production of wine by such holder of the domestic winery license.

(2) Any domestic winery using wine, brandy or wine spirits as provided in subsection (1) of this section, shall make and file with the board, not later than the tenth day of each month upon forms prescribed and furnished by the board, a report showing all transactions of such domestic winery in the purchase and/or use of wine, brandy or wine spirits as provided in said subsection (1), and shall retain one copy of such report in its own files, and shall keep and preserve for a period of not less than two years any bills of lading or other documents supporting such report. One copy of the bill of lading covering such sale and shipment to a domestic winery is to be forwarded to the board by the shipping winery or fruit distillery, at the time of such shipment. [Order 14, § 314-24-070, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-070, filed 8/7/69, effective 9/8/69; Rule 65, filed 6/13/63.]

WAC 314-24-080 Containers--Sizes and types permitted (Rule 66). (1) All wine sold for consumption in the state shall be sold in packages or containers of the following sizes: 2 ounces, 3 ounces, 4 ounces, 2/5 pint, 1/2 pint, 4/5 pint, one pint, 4/5 quart, one quart, 2/5 gallon, 1/2 gallon, 4/5 gallon, one gallon, 3 gallon[s] and 4.9 gallons. In addition, for aperitif wines only, 15/16 quart.

(2) No domestic winery or wine wholesaler, or wine importer shall adopt or use any packages for wine differing in sizes and case capacities from the following classification, to wit: Manufacturer's original full cases of 2 ounces, 3 ounces, or 4 ounces; 24 or 48 2/5 pint, 24 or 48 1/2 pint, 12 or 24 4/5 pint, 24 one pint, 12 4/5 quart, 12 15/16 quart, 12 one quart, 3 or 6 2/5 gallon, 6 1/2 gallon, 3 or 4 4/5 gallon, 4 one gallon, 1, 2, or 3 three gallons, and 1 or 2 4.9 gallons: *Provided, however*, That the case capacity provisions set forth herein shall not apply to cases containing multiple packages of authorized sizes when originally packed by the manufacturer of such wine to comprise specific "gift-type" container units.

(3) Wine referred to in subsections (1) and (2) of this regulation may also be packaged and sold in metric standards of fill and in case sizes as are established in 27 Code of Federal Regulations, to wit: 3 liters (101 fl. oz.) 4 bottles per case; 1.5 liters (50.7 fl. oz.) 6 bottles p/c; one liter (33.8 fl. oz.) 12 bottles p/c; 750 milliliters (25.4 fl. oz.) 12 bottles p/c; 375 milliliters (12.7 fl. oz.) 24 bottles p/c; 187 milliliters (6.3 fl. oz.) 48 bottles p/c; 100 milliliters (3.4 fl. oz.) 60 bottles p/c. Wine may be bottled or packed in containers of four liters or larger if the containers are filled and labeled in quantities of even liters.

(4) Wine imported from foreign countries may be packaged and container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(5) For taxing purposes and in all reports to the board, the above enumerated designations of package sizes, and no others, shall be used. [Statutory Authority: RCW 66.08.030, 66.08.050, 66.98.070 and Title 34 RCW. 78-09-012 (Order 67, Resolution 76), § 314-24-080, filed 8/8/78; Order 49, § 314-24-080, filed 8/26/76; Order 37, § 314-24-080, filed 7/17/75; Order 19, § 314-24-080, filed 8/10/72; Order 14, § 314-24-080, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-080, filed 8/7/69, effective 9/8/69; Resolution 3, filed 9/8/64; Rule 66, filed 6/13/63.]

WAC 314-24-090 Wine labels (Rule 67). (1) Every package or container of wine intended for sale within the state of Washington shall bear a label in compliance with Section 45 of the Washington State Liquor Act (RCW 66.28.110). Such label shall show:

(a) The brand name of the wine.

(b) Class, type or other designation.

(c) The name and address of the bottler or packager, which shall be stated as follows "Bottled by -----" Where a bottler or packager has made not less than 75% of the wine in a particular package or container by crushing the grapes or other materials, fermenting the must and clarifying the resulting wine, there may be stated in lieu of the words "bottled by" the words "manufactured and bottled by" or "produced and bottled by". In addition to the name and address of the bottler or packager, but not in lieu thereof, there may be

stated the name and address of the manufacturer or producer.

(d) The alcoholic content of the wine by volume, stated as provided in either (i) or (ii) below:

- (i) "Alcohol -----% by volume."
- (ii) "Alcohol -----% to -----% by volume."

(e) The net contents of the package or container: *Provided*, That the net contents need not be stated on any label if the net contents are displayed by having the same blown or branded in the package or container as the brand label, in letters or figures in such manner as to be plainly legible under ordinary circumstances, and such statement is not obscured in any manner in whole or in part.

(2) No label shall be used until after the same has been submitted to, and has received a written approval of, the board (See WAC 314-24-040.)

(3) No label shall be used that is misleading or indicates that the retailer is the producer or bottler or packager thereof, and no label shall be used which contains the name of the seller or purveyor in any manner, and no "proprietary" label shall be used nor shall any label be restricted substantially to one retail outlet or to retail outlets under common ownership or associated together in, by or through a buying organization or agency or in any manner which represents a common identity to the public. The term "proprietary" label shall include any label which in the opinion of the board is being restricted in distribution by a wine wholesaler, and such restriction shall be found to exist when only token or minimal sales are made to retail licensees other than those to whom volume sales are obviously restricted, and when the label is not continuously offered and distributed to retail licensees generally in the same manner and to the same extent as unrestricted labels are offered and distributed. [Order 5, § 314-24-090, filed 8/7/69, effective 9/8/69; Rule 67, filed 6/13/63.]

WAC 314-24-100 Domestic wineries--Responsibility for fruits used--Records (Rule 68). Every domestic winery shall keep proper records as required by the Alcohol, Tobacco and Firearms Division, Internal Revenue Service, in a form approved by the board showing the place of origin and/or purchase of all fruits and fruit products used by such winery in the manufacture of wine, which records shall be kept at the office of such winery and available at all times for inspection by the board. [Order 5, § 314-24-100, filed 8/7/69, effective 9/8/69; Rule 68, filed 6/13/63.]

WAC 314-24-105 Application procedure--Wine wholesaler's or importer's license. Any person making application for a new wine wholesaler's or importer's license shall submit to the board, as a condition precedent to the board considering the application, such information as may be requested by the board and shall additionally submit a written commitment from a manufacturer or importer that the product the applicant proposes to distribute is available to him should a license be issued.

The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24-.010, a matter of board discretion. The submission of the above information and written commitment shall not be construed as creating a vested right in the applicant to have a license issued. [Order 55, § 314-24-105, filed 5/31/77, effective 7/1/77.]

WAC 314-24-110 Domestic wineries, wine wholesalers, wine importers--Monthly reports--Bonds required--Payment of gallonage tax (Rule 69). (1) Every domestic winery which is licensed to sell wine of its own production at retail on the winery premises pursuant to chapter 66.24 RCW, and every holder of a wine wholesaler's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington State Liquor Control Board and conditioned that such domestic winery and wine wholesaler will pay to the board the tax of seventy-five cents per wine gallon levied by reason of RCW 66.24.210 (section 24-A of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before the tenth day of each month, submit to the board, upon forms furnished by the board, reports showing all transactions in wine manufactured or produced on the winery premises, including such wine sold at retail on such premises and wine sold to licensees within the state.

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the wine gallonage tax of seventy-five cents per gallon on wine sold at retail on the winery premises, as provided in RCW 66.28.010, and on wine sold under a wine wholesaler's license to retail licensees: *Provided*, That such tax shall not apply or be paid on inter-winery shipments, nor to shipments exported directly by a domestic winery to a point outside the state of Washington, nor on its sales to the Washington State Liquor Control Board.

(4) Every person, firm or corporation holding a wine importer's license or a wine wholesaler's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the tenth day of each month, of all wine that such importer or wholesaler has purchased and received during the preceding calendar month on which the wine gallonage tax has not been paid. The tax of seventy-five cents per wine gallon shall be paid by a wine wholesaler upon first acquisition of wine on which such tax has not been previously paid, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine wholesaler to the Washington State Liquor Control Board. The report method of payment of tax shall be exclusive of any other method.

(5) Failure to make such report, or pay said tax where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license

privilege of the delinquent domestic winery, wine importer, or wine wholesaler. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery or wine wholesaler's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine wholesalers or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the gallonage tax imposed by RCW 66.24.210 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine gallonage tax shall not be paid on wine being shipped in interstate commerce from one point outside this state directly through the state to another point outside the geographical confines of this state. [Order 40, § 314-24-110, filed 8/21/75; Order 26, § 314-24-110, filed 8/14/73; Order 5, § 314-24-110, filed 8/7/69, effective 9/8/69; Rule 69, filed 6/13/63.]

WAC 314-24-115 Wine importers--Requirements.

(1) Principal Office: Each wine importer shall keep the board informed at all times of the location of the principal office required by the Washington State Liquor Act and shall, not less than two days prior thereto notify the board in writing or by telegraph of any change in the location of such office.

(2) Warehouses: Wine importers maintaining warehouses at which wine imported by such importer is stored shall at all times keep the board advised of the location of such warehouses.

(3) Certain Duties: No wine importer shall import or transport or cause to be transported into the state of Washington any brand of wine manufactured within the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the winery manufacturing such wine has obtained from the Washington State Liquor Control Board a certificate of approval as provided in the Washington State Liquor Act (section 10, chapter 21, Laws of 1969 ex. sess.). [Order 26, § 314-24-115, filed 8/14/73; Order 5, § 314-24-115, filed 8/7/69, effective 9/8/69; Rule 69, filed 6/13/63.]

WAC 314-24-120 Importer of foreign wine--United States wineries--Certificate of approval required--Monthly reports--Records (Rule 71). (1) Foreign Wine. Wine manufactured outside of the United States may be imported by a wine importer under the following conditions:

(a) The wine importer must be the holder of a certificate of approval.

(b) The wine importer (certificate of approval holder) importing such wine must obtain label approval in accordance with WAC 314-24-040. Such wine shall be imported and delivered directly to either the warehouse of the importer (certificate of approval holder) or to some other warehouse previously designated by the importer and approved by the board.

(c) On or before the tenth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board upon forms prescribed and furnished by the board.

(d) All matters pertaining to the importation, transportation, storage, keeping of records, and all other matters pertaining to the importation of wine manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

(e) Any wine importer (certificate of approval holder) holding a wine wholesaler's license should refer to Regulation (69) for requirements on surety bond and payment of wine gallonage tax.

(2) Holders of certificate of approval--United States wineries, located outside of Washington state. Each winery holding a certificate of approval may ship wine to licensed wine importers only. As required by section 10, chapter 21, Laws of 1969 ex. sess., and by the written agreement embodied in the application for certificate of approval, each winery holding a certificate of approval shall, on or before the tenth day of each month, furnish to the board a report of such shipments.

(a) Such report shall show the quantity of wine sold or delivered to each licensed wine importer during the preceding month, together with such other information as the board may require.

(b) All reports shall be made upon forms prescribed and furnished by the Washington State Liquor Control Board.

(3) Failure to make such a report at the time and in the manner as prescribed will be sufficient cause for the board to forthwith suspend or revoke the certificate of the certificate of approval holder. [Order 26, § 314-24-120, filed 8/14/73; Order 5, § 314-24-120, filed 8/7/69, effective 9/8/69; Rule 71, filed 6/13/63.]

WAC 314-24-130 Case lot sales (Rule 72). No domestic winery, wine wholesaler, wine importer, or certificate of approval holder shall sell or otherwise deliver wine to another domestic winery, wine wholesaler, and wine importer except in whole case lots, nor shall any such licensee receive from any other such licensee wine except in whole case lots. [Order 5, § 314-24-130, filed 8/7/69, effective 9/8/69; Rule 72, filed 6/13/63.]

WAC 314-24-140 Sales to vessels (Rule 73). Tax paid wine may be sold direct by wine wholesalers to:

(1) Vessels engaged in foreign commerce and operating on regular schedules.

(2) Vessels engaged in interstate commerce and operating on regular schedules.

(3) Vessels commonly known as "tramps", engaged in interstate and/or foreign commerce but not operating on regular schedules and taking cargo when and where it offers and to any port.

Wine may not be sold direct by wine wholesalers to any other class of boat or vessel unless the boat or vessel is in possession of a proper retail license. [Order 5, § 314-24-140, filed 8/7/69, effective 9/8/69; Rule 73, filed 6/13/63.]

WAC 314-24-150 Wine records—Preservation (Rule 75). (1) Every domestic winery, wine wholesaler, and wine importer shall keep wine accounts separate from other accounts, and keep a perpetual inventory by brand and type of wine, such inventory to be reconciled with a physical inventory at the end of each month, and maintain proper records in a form approved by the board showing all transactions in wine.

(2) Every domestic winery, wine wholesaler, and wine importer, shall, in the case of sales of wine within the state, keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, in the office of the domestic winery, wine wholesaler or wine importer for at least two years after each sale.

(3) Every domestic winery, wine wholesaler, and wine importer, shall, in the case of wine exported from the state, keep and preserve all bills of lading and other evidence of shipment in the office of the domestic winery, wine wholesaler, or wine importer for at least two years after each shipment.

(4) In the case of sales, transfers or shipments of wine between a domestic winery and a wine wholesaler, or between two domestic wineries, or between two wine wholesalers, or between a wine importer and a wine wholesaler, both the shipping and receiving licensees, as the case may be, shall keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, transfer or shipment in their respective offices for at least two years after each sale, transfer or shipment. [Order 5, § 314-24-150, filed 8/7/69, effective 9/8/69; Rule 75, filed 6/13/63.]

WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation (Rule 76). (1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises: *Provided*, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28.010 and WAC 314-24-110 (Rule 69).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

A domestic winery or a lessee of a licensed domestic winery operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A domestic winery may serve wine without charge on the winery premises as authorized by RCW 66.28-.040. Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210.

(4) (6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served. [Order 61, § 314-24-160, filed 12/6/77; Order 40, § 314-24-160, filed 8/21/75; Order 5, § 314-24-160, filed 8/7/69, effective 9/8/69; Rule 76, filed 6/13/63.]

WAC 314-24-170 Cash sales (Rule 77). No wine wholesaler shall sell or deliver any wine to any retailer within the state except for cash paid at the time of the delivery of such wine: *Provided*, That in individual and particular cases, upon consent of the board first had and obtained, in writing, cash may be paid prior to the delivery of wine sold to any retailer. [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.]

WAC 314-24-180 Wine wholesalers, wine importers—Certain rights granted (Rule 78). (1) Wine wholesalers may sell to the board, export wine from the state, and purchase wine from or sell wine to another wine wholesaler.

(2) Wine importers may sell to the board, export wine from the state, or sell to wine wholesalers, but may not sell to another wine importer. [Order 5, § 314-24-180, filed 8/7/69, effective 9/8/69; Rule 78, filed 6/13/63.]

WAC 314-24-190 Wine wholesale price posting (Rule 81). (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of

the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception—Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080 (Rule 66).

(b) The wholesale prices thereof within the state, which prices shall include the state wine gallonage tax of seventy-five cents per gallon imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: *Provided*, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in

compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: *Provided*, however, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW. 78-02-056 (Order 62), § 314-24-190, filed 1/20/78, effective 7/1/78; Order 54, § 314-24-190, filed 5/24/77, effective 7/1/77; Order 51, § 314-24-190, filed 12/15/76; Order 26, § 314-24-190, filed 8/14/73; Order 18, § 314-24-190, filed 1/13/72, effective 2/14/72; Order 15, § 314-24-190, filed 5/13/71, effective 7/1/71; Order 5, § 314-24-190, filed 8/7/69, effective 9/8/69; Rule 81, filed 6/13/63.]

WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda (Rule 82). (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine wholesaler, which contracts or memoranda shall contain a schedule of the prices charged to wholesalers for all items. Requirements for including or omitting from such prices the wine gallonage tax of seventy-five cents per gallon, imposed under RCW 66.24.210, are set forth in subsection (8) of this regulation. Contracts and memoranda required to be filed under this

subsection must list all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda shall be filed with the board, as provided in this regulation.

(2) **Filing Date**—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the next calendar month.

(3) **Filing Date Exception**—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in subsections (9) and (10) in WAC 314-24-190.

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

(6) Prices filed by a domestic winery shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine wholesalers; and wine wholesalers who sell to other wine wholesalers.

(8) The wine gallonage tax, imposed under RCW 66.24.210, is not to be included in the prices filed as required by subsection (1) of this regulation by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine wholesaler, nor (c) a wine importer who is not licensed as a wine wholesaler.

Every wine wholesaler who sells wine to another wine wholesaler shall include such gallonage tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine wholesalers shall sell any wine to any persons whatsoever in this state until

copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential. [Order 54, § 314-24-200, filed 5/24/77, effective 7/1/77; Order 51, § 314-24-200, filed 12/15/76; Order 26, § 314-24-200, filed 8/14/73; Order 15, § 314-24-200, filed 5/13/71, effective 7/1/71; Order 5, § 314-24-200, filed 8/7/69, effective 9/8/69; Rule 82, filed 6/13/63.]

WAC 314-24-210 Return of wine by retailer—Re- placement—Conditions (Rule 83). No wine shall be returned by any retail licensee to any wine wholesaler or domestic winery except as herein provided.

(1) Wine which is not in a salable condition and which requires reconditioning may be returned by a retail licensee to the wine wholesaler from whom purchased, provided it is immediately replaced by the wine wholesaler with a like quantity, type and brand of wine.

(a) Every wine wholesaler shall, within ten days after the close of each month, furnish to the board, upon forms prescribed and furnished by the board, an inventory of unsalable wine returned to such wholesaler by any retail licensee.

(b) Such unsalable wine which requires reconditioning shall be returned by the wine wholesaler to the domestic winery which manufactured or produced the same, or to the importer who imported such wine. When wine which has been returned to a domestic winery by any person for reconditioning has been assembled at the winery, a complete inventory in duplicate of unsalable wine shall

be filed with the board by the winery with a request that inspection be made of the returned wine before the re-conditioning process is started. When wine has been returned by the wholesaler to the importer who imported such wine, a complete inventory of said wine shall be filed in duplicate with the board by the importer with a request that inspection be made of the returned wine before the wine is destroyed or returned to the out-of-state manufacturer.

(c) Except as provided herein, no other adjustment, by way of a cash refund or otherwise, shall be made by the winery or wine wholesaler.

(2) Wine may be returned by a retail licensee to the wine wholesaler selling such wine or to the domestic winery manufacturing or producing the same in the event the retailer goes out of the business of selling wine at retail, and in such case a cash refund may be made upon return of the wine, provided that written consent of the board is first had and obtained. [Order 5, § 314-24-210, filed 8/7/69, effective 9/8/69; Rule 83, filed 6/13/63.]

Chapter 314-26 WAC UNALABLE BEER AND WINE

WAC

314-26-010 Procedures for tax refunds. (Rule 83.5).

WAC 314-26-010 Procedures for tax refunds. (Rule 83.5). The board may refund the tax on beer imposed by RCW 66.24.290, and the tax on wine imposed by RCW 66.24.210, when such taxpaid products have been deemed to be unsalable due to freight damage or other causes prior to sale to consumers, and are destroyed within the state. Such tax refunds are subject to the following conditions:

(1) An applicant for such refund shall notify the board of his intention to destroy any such product, and furnish specific information concerning the proposed destruction of such stock.

(2) No tax refund will be authorized for unsalable beer or wine unless the board has verified that such product because of its condition is unfit for sale, and that such taxes have been paid to the state.

(3) The quantity of beer or wine involved in such a request for tax refund, the amount of such refund, and observation of the actual destruction of such stock must be confirmed by an authorized employee of the board before any such tax refund is granted. [Order 40, § 314-26-010, filed 8/21/75.]

Chapter 314-27 WAC INTERSTATE COMMERCIAL COMMON PASSENGER CARRIERS

WAC

314-27-010 Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers. (Rule 83.6).

(1980 Ed.)

WAC 314-27-010 Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers. (Rule 83.6). (1) Every federally licensed interstate commercial common passenger carrier, holding a Class CCI-1 or a Class CCI-2 license pursuant to chapter 245, Laws of 1975 1st ex. sess., shall, on or before the fifteenth day of each month, make a report to the board, upon forms approved by the board, of all spirituous liquor, beer and wine served or sold at retail for passenger consumption by such common carrier within or over the territorial limits of the state of Washington during the preceding calendar month.

At the time of filing the report prescribed herein, such common carrier shall pay to the board the board's markup on spirituous liquor, and state liquor taxes as applicable, on such spirituous liquor, beer and wine so served or sold, in an amount to approximate the revenue that would have been realized from such markup and taxes had such alcoholic beverages been purchased for use in the state.

(2) Holders of Class CCI-3 or Class CCI-4 licenses as provided in said chapter 245, Laws of 1975 1st ex. sess., are not authorized to serve or sell at retail spirituous liquor, beer or wine for passenger consumption within or over the territorial limits of the state, and are not subject to the provisions of subsection (1) of this regulation.

(3) Licensed beer and wine importers and wholesalers who sell beer or wine to such properly licensed interstate commercial common passenger carriers shall treat such sales as exports from the state. Such importers and wholesalers who have paid the taxes imposed by RCW 66.24.290 or RCW 66.24.210 on beer or wine so sold may claim refund of the taxes under procedures set forth in WAC 314-20-010 or WAC 314-24-110, as applicable. [Order 42, § 314-27-010, Rule 83.6, filed 11/6/75.]

Chapter 314-28 WAC FRUIT DISTILLERS

WAC

314-28-010 Records.

WAC 314-28-010 Records. All fruit distillers, whether operating under the general distiller's license or under the fifty-dollar license, provided in section 23-D of the Washington State Liquor Act (RCW 66.24.140), and who manufacture brandy or wine spirits intended for use by domestic wineries for brandy or wine spirits addition in the manufacture of wine, must keep separate records concerning such brandy or wine spirits on forms approved by the board, and such records must be kept separate and apart from any other records kept or required to be kept and maintained. [Order 14, § 314-28-010, filed 12/1/70, effective 1/1/71; Rule 84, filed 6/13/63.]

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Chapter 314-32 WAC RECTIFIERS

WAC

314-32-010	Applicants—Federal permit required.
314-32-020	Duplicate records furnished board.
314-32-030	Adoption federal laws.

WAC 314-32-010 Applicants—Federal permit required. No manufacturer's (rectifier's) license shall be issued, until satisfactory evidence is furnished the board that the applicant holds all permits or authorization required by the federal government. [Rule 85, filed 6/13/63.]

WAC 314-32-020 Duplicate records furnished board. Duplicate copies of monthly returns, transcripts, notices or other data, as required by the Federal government, must be furnished the board not later than the tenth of each month. In addition thereto, such rectifiers shall furnish the board duplicate copies of the bills of lading, covering all shipments of the products of the licensee. [Rule 86, filed 6/13/63.]

WAC 314-32-030 Adoption federal laws. All laws and rules and regulations of the Federal government, or any subsequent modification thereof, applicable to the rectification of distilled spirits, wines, cordials, liquors, etc., are by reference hereby adopted and promulgated as the rules and regulations of this board. [Rule 87, filed 6/13/63.]

Chapter 314-36 WAC

LIQUOR IMPORTERS, PUBLIC STORAGE WAREHOUSES AND IMPORTATION OF LIQUOR

WAC

314-36-010	Sales between liquor importers.
314-36-020	Liquor importation—General.
314-36-030	Importation by licensed liquor importer.
314-36-040	Principal office—Record.
314-36-050	Customs bonded locker.
314-36-060	Public storage warehouses.
314-36-070	Storage of liquor.
314-36-080	Permit for private liquor storage warehouse.
314-36-090	Liquor shall be stored in original packages.
314-36-100	Removal of liquor.
314-36-110	Release of liquor.
314-36-120	Perpetual inventory—Copy to board.
314-36-130	Complete records kept.
314-36-140	Records open to inspection.
314-36-150	Special importation permit.

WAC 314-36-010 Sales between liquor importers. One licensed liquor importer may sell to, or purchase from, or exchange with, another licensed importer, intoxicating liquor for purposes of export only. [Rule 88, filed 6/13/63.]

WAC 314-36-020 Liquor importation—General. No liquor shall be imported into this state unless such liquor be consigned to the Washington State Liquor Control Board; or unless such liquor be consigned to a holder of a liquor importer's license and delivered at a

public storage warehouse authorized by the Washington State Liquor Control Board to store liquor, or at the warehouse of the holder of the liquor importer's license in those cases where the board has authorized storage at such warehouse. No carrier shall accept or deliver liquor except in accordance with this regulation: *Provided, however,* That this regulation shall not apply to importations of beer by the holder of a beer importer's license made under such license, nor to importations of alcohol, malt and other materials containing alcohol made by a manufacturer under the special permit authorized by section 12, subdivision (d) of the Washington State Liquor Act (RCW 66.20.010), nor to importations of wine by the holder of a wine importer's license made under such license. [Order 5, § 314-36-020, filed 8/7/69, effective 9/8/69; Rule 89, filed 6/13/63.]

WAC 314-36-030 Importation by licensed liquor importer. Liquor imported by the holder of a liquor importer's license may be transferred direct from the importing carrier to an exporting carrier if the consent of the board is first obtained. [Rule 90, filed 6/13/63.]

WAC 314-36-040 Principal office—Record. Each liquor importer shall establish and maintain a principal office within the state at which shall be kept full and complete records of all importations, storage, removals, and exportations of liquor, such records to be kept in such manner and in such form as the board shall from time to time prescribe. Each liquor importer shall keep the board informed at all times of the location of such principal office. [Rule 91, filed 6/13/63.]

WAC 314-36-050 Customs bonded locker. Any public storage warehouse, having a Customs Bonded Locker, and which wishes to accept liquor, except beer or wine, for storage must furnish to the Washington State Liquor Control Board a bond in the penal sum of not less than five thousand dollars (\$5,000.00) in form prescribed by the board, conditioned upon faithful performance and compliance with the Washington State Liquor Act and rules and regulations thereunder, and shall apply for a permit so to do. [Order 5, § 314-36-050, filed 8/7/69, effective 9/8/69; Rule 92, filed 6/13/63.]

WAC 314-36-060 Public storage warehouses. No public storage warehouse shall receive or store or otherwise handle any liquor, except beer or wine, without first obtaining from the Washington State Liquor Control Board a permit so to do. [Order 5, § 314-36-060, filed 8/7/69, effective 9/8/69; Rule 93, filed 6/13/63.]

WAC 314-36-070 Storage of liquor. No public storage warehouse shall accept or store any liquor, except beer or wine, except upon the order of a licensed liquor importer or the Washington State Liquor Control Board. [Order 5, § 314-36-070, filed 8/7/69, effective 9/8/69; Rule 94, filed 6/13/63.]

WAC 314-36-080 Permit for private liquor storage warehouse. Any holder of a liquor importer's license,

who maintains a storage warehouse exclusively for the storage of goods, wares or merchandise belonging to such holder, and who desires to store liquor imported under such liquor importer's license, shall apply to the board for a permit so to do. Such permit shall be granted only upon such terms and conditions as the board shall from time to time prescribe. If such permit be granted, such warehouse shall thereafter be known as a private liquor storage warehouse. [Rule 95, filed 6/13/63.]

WAC 314-36-090 Liquor shall be stored in original packages. No shipments of liquor, except beer or wine, shall be accepted or stored in a private or public storage warehouse except in original packages. [Order 5, § 314-36-090, filed 8/7/69, effective 9/8/69; Rule 96, filed 6/13/63.]

WAC 314-36-100 Removal of liquor. No liquor (except beer and wine) shall be removed from any storage warehouse, either public or private, except for sale and delivery to the board or for export from the state, or for delivery to persons, firms or corporations holding manufacturer's importation permits authorized by section 12, subdivision (d) of the Washington State Liquor Act (RCW 66.20.010(5)): *Provided, however,* That liquor may be removed from an authorized private liquor storage warehouse to a public storage warehouse, or may be removed from one authorized public storage warehouse to another authorized public storage warehouse, or may be removed from an authorized public storage warehouse to the authorized private liquor storage warehouse of the owner of the liquor. Liquor importers may remove liquor for sample purposes only, but only after permission thereto has been specifically granted by the board or its accredited representatives. Any and all removals of liquor must be made in full compliance with the Washington State Liquor Act, and the rules and regulations of the Board. [Order 5, § 314-36-100, filed 8/7/69, effective 9/8/69; Rule 97, filed 6/13/63.]

WAC 314-36-110 Release of liquor. No public storage warehouse shall release any liquor, except beer or wine, for delivery to anyone other than the Washington State Liquor Control Board or for shipment to a consignee outside the state of Washington, or for delivery to another authorized public storage warehouse, or to the authorized private liquor storage warehouse of the owner of the liquor, or to persons, firms or corporations holding manufacturer's importation permits authorized by section 12, subdivision (d) of the Washington State Liquor Act (RCW 66.20.010(5)): *Provided, however,* That liquor may be delivered to liquor importers for sample purposes under such conditions as the board may from time to time prescribe, and may be delivered to holders of liquor importer's licenses for export under Regulation (88) of these regulations. [Order 5, § 314-36-110, filed 8/7/69, effective 9/8/69; Rule 98, filed 6/13/63.]

WAC 314-36-120 Perpetual inventory—Copy to board. Each public storage warehouse shall keep a perpetual inventory of all stocks of liquor and a certified copy of the physical inventory shall be mailed to the board not later than the tenth of each month, showing stock on hand at the close of the preceding month and at such other times as the board may require. [Rule 99, filed 6/13/63.]

WAC 314-36-130 Complete records kept. Each public storage warehouse shall keep full and complete records showing all liquor received for storage, together with all removals and exportations thereof, such records to be kept in such manner and in such form as the board shall prescribe, and in case of removal, releases or shipments, shall preserve, subject to the order of the board, all bills of lading or certified copies thereof, and all authorizations of the board for withdrawals of samples. [Rule 100, filed 6/13/63.]

WAC 314-36-140 Records open to inspection. The books and records pertaining to liquor receipts, storage and shipments, shall at all times be open for inspection by the board or its authorized representatives, who shall have access to the warehouse at any time during business hours for the purpose of inspecting records and checking inventory. [Rule 101, filed 6/13/63.]

WAC 314-36-150 Special importation permit. Each manufacturer holding a special permit under section 12(d) of the Washington state liquor act (RCW 66.20.010(5)) to import alcohol, malt and other materials containing alcohol to be used in the manufacture of liquor or other products, shall notify the board of the location of their principal office within the state, at which office shall be kept full and complete records of all transactions pertaining to the importation of alcohol, malt and other materials containing alcohol and the disposition thereof, in a form approved by the board. [Rule 102, filed 6/13/63.]

Chapter 314-40 WAC CLUBS

WAC

314-40-010	Operations under retail licenses.
314-40-020	Applications.
314-40-030	Constitution—Bylaws—House rules.
314-40-040	Guest and courtesy cards—Visitors.
314-40-050	Records.
314-40-060	Club property and finances—Concessions.
314-40-070	Club roster—List of officers.
314-40-080	Designated portion of club used for service and consumption of liquor.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-40-090	Soliciting advertising—Special events—Exterior signs. [Rule 111, filed 6/13/63.] Redesignated as WAC 314-52-115 by Order 10, filed 10/27/70, effective 11/27/70.
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WAC 314-40-010 Operations under retail licenses. Clubs operating under any class of retail license shall govern their operations in selling liquor in accordance with the regulations set forth in Title II, applicable to all retail licensees, except as otherwise specifically provided in this title. Such clubs may sell liquor only to members, visitors and guests as specified in these regulations. Licensed clubs shall not be prohibited from renting, leasing or donating all or a portion of their facilities for, or making services available to, a non-club activity where the public is invited or admitted under conditions as permitted by WAC 314-14-080. [Order 23, § 314-40-010, filed 7/3/73; Rule 103, filed 6/13/63.]

WAC 314-40-020 Applications. (1) Applications for new club licenses shall be accompanied by proof that:

- (a) The organization is bona fide and nonprofit;
 - (b) The organization has been in operation for at least one year immediately prior to the date of its application, such proof to consist of records of (i) membership, (ii) meetings of trustees or directors at least every month and membership meetings at least once a year, (iii) the location of such meetings, and (iv) such other data as is necessary to establish that the organization has been active for at least one year prior to its application;
 - (c) The application is approved by a majority of the members which approval shall be indicated by presentation to the board of a petition bearing the names of such members desiring the license. The president and secretary of the organization shall certify on such petition the total number of members of the organization in good standing as of the date of the application and that those signing the petition are all members in good standing on such date;
 - (d) The organization was not primarily formed or activated to obtain a license to sell liquor, but that the sale of liquor is incidental to the main purposes of the club.
- (2) Applications for renewal of club licenses shall be made on forms prescribed by the board and accompanied by such information as the board may request.
- (3) All applications must be made in the official name of the organization and be signed by either the president or the secretary and be accompanied by a certified copy of the minutes of that meeting of the governing board of the organization which authorized the president or secretary to make the application. The use of trade names shall not be permitted. [Rule 104, filed 6/13/63.]

WAC 314-40-030 Constitution—Bylaws—House rules. (1) No license shall be issued to any organization or club unless its constitution, bylaws, and house rules are submitted to the board as evidence that the applicant qualifies as a bona fide club under provisions of state liquor laws and regulations. Two copies of such constitution, bylaws, and house rules and any amendments thereto shall be kept on file with the board at all times. No amendments to the same which will in any way affect the operation under such license can become operative until after the same have been submitted to the board.

(2) The constitution, bylaws and/or house rules shall provide, among other things:

- (a) That all classifications of members must be admitted only on written application and only after investigation and ballot. Such admissions must be duly recorded in the official minutes of a regular meeting;
- (b) Standards of eligibility for members;
- (c) Limitation on the number of members consistent with the nature of the organization or club;
- (d) That not more than twelve honorary members be admitted in any one calendar year, and that nonresident and associate members be restricted to numbers consistent with the nature of the organization or club;
- (e) Reasonable initiation fees and dues consistent with the nature and purpose of the organization or club;
- (f) The period for which dues shall be paid and the date upon which this period shall expire;
- (g) Reasonable regulations for the dropping of members for the nonpayment of dues;
- (h) Strict regulations for the government of organization or club rooms and quarters generally consistent with its nature and character;
- (i) That organization or club rooms and quarters must be under the supervision of a manager and house committee, which committee shall be appointed by the governing body of the organization or club;
- (j) Provisions for visitors and for the issuance and use of guest and courtesy cards in accordance with WAC 314-40-040. [Order 19, § 314-40-030, filed 8/10/72; Rule 105, filed 6/13/63.]

WAC 314-40-040 Guest and courtesy cards—Visitors. (1) Guest cards may be issued only as follows:

- (a) for clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;
- (b) for clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: *Provided*, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;
- (c) such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: *Provided*, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans or fraternal organization may enjoy the privileges of any club operated by a local post, chapter, or lodge of any such organization without reference to the above restrictions.

(4) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member. [Rule 106, filed 6/13/63.]

WAC 314-40-050 Records. In addition to the requirements of WAC 314-16-160, clubs shall maintain a complete system of bookkeeping covering all operations of the club, with the operations thereof pertaining to liquor being kept separate in a manner prescribed by the board. All such records shall be maintained in an office on the licensed premises and be available for inspection and audit by agents of the board, which agents shall be entitled to make copies thereof or abstracts therefrom or, upon furnishing a proper receipt therefor, remove the originals for such purposes as the board deems necessary. [Rule 107, filed 6/13/63.]

WAC 314-40-060 Club property and finances—Concessions. (1) All property of any club, as well as the advantages thereof, must belong to the members. Any funds advanced for the purchase or improvement of club rooms or quarters must be advanced by the membership or upon securities or properties owned by the club, and any obligations assumed in connection with the establishment or operation of club rooms or quarters must be assumed by the entire club. No club shall receive any money from any source whatever under any arrangement through or under which the person or persons advancing such funds, whether members of the club or not, are to be given control or supervision over the operation of the club. All activities of any such club, except food service and such other activities as may be specifically approved by the board, must be conducted by the club itself and in its own right, and not upon any concession basis either to any member of the club or to any third party. No member of the club, officer, agent or employee of any such club shall be paid, or directly or indirectly receive, in the form of salary or otherwise, any revenue from the operation of the club beyond the amount of such reasonable compensation as may be fixed or voted by the proper authorities of the club and in accordance with the constitution and bylaws of the club. [Rule 108, filed 6/13/63.]

WAC 314-40-070 Club roster—List of officers. (1) Every club shall keep and maintain on the premises a complete roster giving the names and addresses of all its members.

(2) Each club shall file with the board a complete list of its officers showing the address, occupation and name of each officer. When any change occurs in its officers by reason of election or otherwise, the club shall immediately file with the board a revised list of its officers. [Rule 109, filed 6/13/63.]

WAC 314-40-080 Designated portion of club used for service and consumption of liquor. (1) Each club shall submit a sketch of the entire premises including the portion used for storage, sale and consumption of liquor, for approval. No change in any portion of the club premises so described and approved shall be made without the consent of the board.

(2) Where the physical setup of the club rooms or quarters renders it practical so to do, such portion of the club premises shall be a room or rooms devoted solely to

such service and capable of being entirely closed from the remainder of the club rooms or quarters. Bona fide members may possess and consume their own liquor at any time and in any part of the club premises as permitted under the by-laws and/or house rules of the club, provided such by-laws and/or house rules have been approved by the board.

(3) If the club rents any portion of the club rooms or quarters for any purpose other than a strictly club purpose, or holds any function within the club rooms or quarters to which the public generally is invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein, except bona fide members, bona fide visitors and bona fide guests. If such portion cannot be so closed, then no such liquor service whatever shall be permitted within the club rooms or quarters during the entire time when such non-club activity is taking place or while the public generally is permitted within the club rooms or quarters. [Rule 110, filed 6/13/63.]

Chapter 314-44 WAC LICENSED AGENTS

WAC

314-44-005 Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices. (Rule 111).

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-44-010 Sales to board—Registration of agents. [Rule 112, filed 6/13/63.] Repealed by Order 46, filed 6/9/76. Later promulgation, see WAC 314-44-005.

314-44-020 Salesman—Prohibited practices—Penalties. [Rule 113, filed 6/13/63.] Repealed by Order 46, filed 6/9/76. Later promulgation, see WAC 314-44-005.

WAC 314-44-005 Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices. (Rule 111). (1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of any liquor, or act as the agent for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person is holder of an agent's license as provided in RCW 66.24.310, and this regulation.

(2) An agent's license may be issued to the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24-.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an agent's license for his accredited representatives on application forms prescribed and furnished by the board.

(3) Pursuant to the authority provided in RCW 66.24.310(2), certain specific classes of eligible employers are herein limited to a maximum number of licensed agents for each bona fide business entity, subject to the following provisions: An out-of-state holder of a wine certificate of approval, issued pursuant to RCW 66.24-.206—a maximum of four licensed agents; and, a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine—a maximum of two licensed agents.

(a) For the purpose of this regulation, a bona fide entity is defined as an actual, clearly identifiable operating business, independently conducted by an individual, partnership, association, company, or corporation. This definition is not to be construed as authorizing such firms to use added trade names, or other assumed or adopted business identities as a means of obtaining additional agents' licenses.

(b) Every firm which applies for an agent's license under the provisions of this section shall furnish the board with satisfactory proof that such firm is in fact a bona fide business entity.

(4) Only the licensed agent of a distiller, manufacturer, importer, or distributor of spirituous liquor may contact retail licensees in goodwill activities when such contacts pertain to spirituous liquor products.

(5) No distiller, manufacturer, importer, wholesaler or distributor of liquor, or agent thereof, shall solicit either in person, by mail or otherwise, any liquor vendor or employee of the board, except the purchasing agent thereof, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise.

(6) No distiller, manufacturer, importer, wholesaler or distributor of liquor, or agent thereof, shall visit any state liquor store or agency except for the purpose of making a purchase in the usual manner, as any other customer, and such person shall not enter any warehouse, store or agency of the board for the purpose of sales promotion or to secure information regarding inventory or any other matter relating to sales.

(7) No distiller, manufacturer, importer, wholesaler, or distributor of liquor, or agent thereof, shall give or offer to any employee of the board any entertainment, gratuity or other consideration for the purpose of inducing or promoting the sale of merchandise.

(8) No distiller, manufacturer, importer, wholesaler, or distributor, or agent thereof, shall allow, pay or rebate, directly or indirectly, any cash or merchandise to any retail licensee to induce or promote the sale of liquor, including the payment of tips to such licensees or their employees and the purchasing of drinks "for the house". Such persons, firms and licensees must operate in conformity with WAC 314-12-140, RCW 66.28.010, RCW 66.28.040, and other applicable laws and rules.

(9) Upon the infraction of any law or regulation by any distiller, manufacturer, importer, wholesaler, distributor, or agent, the board may, in addition to imposing other penalties as prescribed by law, remove such firm's products from the sales list of the board, and/or

prohibit the sale of any brand or brands of beer or wine involved as provided in RCW 66.28.030.

(10) Upon the termination of the employment of a licensed agent, his employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person. [Order 46, § 314-44-005, Rule 111, filed 6/9/76. Formerly WAC 314-44-010 and 314-44-020.]

Chapter 314-45 WAC

SERVING AND DONATING OF LIQUOR BY SUPPLIERS AT TRADE CONVENTIONS OF LICENSEES

WAC

314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures. (Rule 114).

WAC 314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures. (Rule 114). Activities pursuant to RCW 66.20.010(7), (8), a manufacturer, importer, wholesaler, or agent thereof, may serve or donate liquor without charge to delegates and guests at a bona fide convention of a trade association composed of licensees of the board, subject to conditions set forth in this regulation.

(1) For the purposes of this section a "convention" is defined as a bona fide session or assembly of the general membership of a trade association composed of licensees of the Board.

(2) Such manufacturer, importer, wholesaler, or agent thereof, must hold a special permit issued by the board to engage in such an activity at such convention. The fee for each such special permit shall be \$15.00. Application for such permit shall be submitted on a form prescribed by the board. The statutory permits applicable to such activities are:

(a) A special permit provided for in RCW 66.20.010(7) which authorizes the holder thereof to serve liquor without charge to delegates and guests in a hospitality room or from a booth in a board-approved suppliers' display room at such convention.

(b) A special permit provided for in RCW 66.20.010(8) which authorizes the holder thereof to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at such convention.

(3) Any liquor served or donated as provided herein is authorized only for consumption within a specific area designated on an application for permit and approved by the board.

(4) A special permit holder who serves or donates any beer or wine on which state taxes have not been paid, must file a report of the quantity so served or donated and remit the amount of the taxes to the board, in conformity with RCW 66.20.010(7), (8).

(5) Any spirituous liquor served or donated shall be purchased from the board or a class H licensee. [Order 46, § 314-45-010, Rule 114, filed 6/9/76.]

Chapter 314-48 WAC TRANSPORTATION OF LIQUOR

WAC

314-48-010 Transportation through state—Permit required.

WAC 314-48-010 Transportation through state—Permit required. (1) It shall be unlawful for any person to transport liquor through the state of Washington over the highways therein unless such person shall first obtain from the board a permit to transport such liquor and then only in accordance with the terms and conditions of said permit.

(2) An application for said permit shall be filed with the board which shall set forth the following information:

(a) The consignor and point of origin of shipment, and the consignee and point of destination;

(b) The route of such shipment while in transit over the highways of the state of Washington;

(c) The dates when such shipment will enter and leave the state;

(d) A description of the transporting vehicle, including license numbers and other identifying plates;

(e) A complete description of the liquor to be transported.

(3) Upon said application being filed the board may issue a permit, which permit shall describe the vehicle or vehicles in which such liquor may be lawfully transported, and shall prescribe the lawful route of such shipment and the time during which it may be lawfully moved. Said permit shall also prescribe the quantity and type of liquor which may be transported.

(4) Said permit together with bills of lading or other shipping documents signed by the consignor giving a full description of the liquor being transported shall at all times be in or on the vehicle transporting such liquor.

(5) The driver or person in charge of any vehicle or conveyance covered by said permit shall, when requested by any representative or agent of the board and/or any persons having police authority, exhibit to such person the said permit or bills of lading or other memoranda of shipment covering the cargo of such vehicle or conveyance, and shall allow such person to inspect the vehicle or conveyance and its cargo at any time while within the state of Washington.

(6) Upon arrival of said shipment at its destination, said permit shall immediately be mailed or delivered to the board at Olympia, Washington. [Rule 115, filed 6/13/63.]

Chapter 314-52 WAC ADVERTISING

WAC

314-52-005 Purpose and application of rules.
314-52-010 Mandatory statements.
314-52-015 General.
314-52-020 Use of insignia or reference to liquor control board prohibited.
314-52-030 Liquor advertising prohibited in school programs.

314-52-040 Contests, competitive events, premiums and coupons.
314-52-050 Sound truck advertising prohibited.
314-52-060 Picture screen advertising prohibited.
314-52-070 Outdoor advertising.
314-52-080 Novelty advertising.
314-52-090 Advertising jointly by retailers and manufacturers, importers, or wholesalers, prohibited.
314-52-110 Advertising by retail licensees.
314-52-111 Advertising by retail licensees—On premises.
314-52-112 Advertising by retail licensees—Off premises.
314-52-113 Brand signs and point-of-sale displays on retail licensed premises.
314-52-115 Advertising by clubs—Signs.
314-52-120 Advertising by holders of special occasion Class G or J retail licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-52-095 Merchandising services—Prohibited. [Order 10, § 314-52-095, L.C.B. Rule 124.5, filed 10/27/70, effective 11/27/70.] Repealed by Order 28, filed 10/11/73.
314-52-100 Direct mail advertising prohibited—Exceptions. [Rule 125, filed 6/13/63.] Repealed by Order 10, filed 10/27/70, effective 11/27/70.
Appendix Guide to advertising. Repealed by Order 10, filed 10/27/70, effective 11/27/70.

WAC 314-52-005 Purpose and application of rules.

(1) **PREAMBLE:** The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in conformity with these regulations: *Provided*, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board does not require approval of advertising material prior to publication, but it holds each producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor responsible for complying with the advertising laws and regulations of the Washington State Liquor Control Board and any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to the publication to the Advertising Coordinator of the Washington State Liquor Control Board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, wholesalers, or retailers of liquor. (EXCEPTION TO FOREGOING: WAC 314-52-070(3) requires that all outdoor signs advertising sale of liquor by a retail licensee must be submitted by the licensee for board approval prior to installation.) [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-005, filed 7/18/80;

Order 46, § 314-52-005, Rule 115.5, filed 6/9/76; Order 10, § 314-52-005, Rule 115.5, filed 10/27/70, effective 11/27/70.]

WAC 314-52-010 Mandatory statements. (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may be stated in percentage by volume or by proof.

(d) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or wholesaler shall contain the following information:

(a) The name and address of the manufacturer or wholesaler responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or wholesaler shall contain the following information:

(a) The name and address of the manufacturer, importer or wholesaler responsible for publication of the advertisement. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product. [Statutory Authority: RCW 66.08-.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-010, filed 7/18/80; Order 46, § 314-52-010, Rule 116, filed 6/9/76; Rule 116, filed 6/13/63.]

WAC 314-52-015 General. All liquor advertising shall be modest, dignified and in good taste and shall not contain:

(1) Any statement or illustration that is false or misleading in any material particular.

(2) Any statement or illustration that is disparaging of a competitor's product.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement that is inconsistent with any statement on the label of the product.

(8) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

(10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.

(11) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.

(12) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.

(14) Reference to any brand, type or package not actually on sale in the state of Washington.

(15) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

(16) The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.

(17) Any statement, picture, or illustration which promotes overconsumption. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-015, filed 7/18/80. Statutory Authority: RCW 66.08.030, 66.08.060, 66.08.070, and Title 34 RCW. 79-08-036 (Order 68, Resolution 77), § 314-52-015, filed 7/17/79; Order 46, § 314-52-015, Rule 116.5, filed 6/9/76; Order 10, § 314-52-015, Rule 116.5, filed 10/27/70, effective 11/27/70.]

WAC 314-52-020 Use of insignia or reference to liquor control board prohibited. No liquor advertising shall use any insignia or other device that may be in use by the Washington State Liquor Control Board, nor shall any such advertising refer to the Washington State Liquor Control Board. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-020, filed 7/18/80; Order 46, § 314-52-020, Rule 117, filed 6/9/76; Order 10, § 314-52-020, filed 10/27/70, effective 11/27/70; Rule 117, filed 6/13/63.]

WAC 314-52-030 Liquor advertising prohibited in school programs. No liquor advertising shall be carried in any programs for events or activities in connection with any elementary or secondary schools; nor shall any liquor advertising be connected with such events when broadcast over radio or television. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-030, filed 7/18/80; Order 46, § 314-52-030, Rule 118, filed 6/9/76; Order 10, § 314-52-030, filed 10/27/70, effective 11/27/70; Rule 118, filed 6/13/63.]

WAC 314-52-040 Contests, competitive events, premiums and coupons. No liquor advertisement shall contain any offer of a prize, premium award to a consumer upon the completion of any contest or competitive event, or coupon, in which there is a requirement to purchase the advertised product. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-040, filed 7/18/80; Order 46, § 314-52-040, Rule 119, filed 6/9/76; Order 10, § 314-52-040, filed 10/27/70, effective 11/27/70; Rule 119, filed 6/13/63.]

WAC 314-52-050 Sound truck advertising prohibited. No liquor advertising shall be permitted by use of sound trucks. [Statutory Authority: RCW 66.08.030,

66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-050, filed 7/18/80; Order 46, § 314-52-050, Rule 120, filed 6/9/76; Order 10, § 314-52-050, filed 10/27/70, effective 11/27/70; Rule 120, filed 6/13/63.]

WAC 314-52-060 Picture screen advertising prohibited. No liquor advertising shall be displayed upon the picture screen of any theater or upon the public viewing screen of a closed circuit television system. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-060, filed 7/18/80; Order 46, § 314-52-060, Rule 121, filed 6/9/76; 121, filed 6/13/63.]

WAC 314-52-070 Outdoor advertising. (1) "Outdoor advertising" as used in these regulations shall include any form of advertisement of liquor or the service of liquor which is visible to the general public from a public thoroughfare: *Provided, however,* That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving: *Provided, however,* That "point-of-sale" signs and material shall be defined and governed as otherwise provided in WAC 314-52-113.

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee or applicant for board consideration prior to installation: *Provided, however,* That outdoor readerboard messages and/or interior signs visible through a window of a premises will be in conformance with WAC 314-52-015 and will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, playfields used primarily by minors, or other public institutions, nor any place which the board in its discretion finds contrary to the public interest: *Provided, however,* That exceptions approved under the provisions of RCW 66.24.010(9), shall apply here.

(6) Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public.

(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail;

except that where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: *Provided, however,* That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-070, filed 7/18/80; 78-02-056 (Order 62), § 314-52-070, filed 1/20/78; Order 46, § 314-52-070, Rule 122, filed 6/9/76; § 314-52-070, filed 10/27/70, effective 11/27/70; Order 2, § 314-52-070, filed 5/1/69; Rule 122, filed 6/13/63.]

WAC 314-52-080 Novelty advertising. (1) Novelty advertising items shall include, but shall not be limited to, matches, trays, score cards, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, calendars, wearing apparel, mugs, glasses, knives, lamp shades, program folders, program cards, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A nonliquor manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The purchase shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-080, filed 7/18/80; 78-02-056 (Order 62), § 314-52-080, filed 1/20/78; Order 46, § 314-52-080, Rule 123, filed 6/9/76; Order 10, § 314-52-080, filed 10/27/70, effective 11/27/70; Rule 123, filed 6/13/63.]

WAC 314-52-090 Advertising jointly by retailers and manufacturers, importers, or wholesalers, prohibited.

(1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler, nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: *Provided,* That a retail licensee may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113.

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-

09-078 (Order 73, Resolution 82), § 314-52-090, filed 7/18/80; 78-02-056 (Order 62), § 314-52-090, filed 1/20/78; Order 46, § 314-52-090, Rule 124, filed 6/9/76; Order 10, § 314-52-090, filed 10/27/70, effective 11/27/70; Rule 124, filed 6/13/63.]

WAC 314-52-110 Advertising by retail licensees.

All regulations heretofore listed shall also apply to advertising by retail licensees insofar as they are relevant.

(1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee: *Provided, however,* That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements: *And Provided further,* That advertisements by public Class H licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) Beer, wine or spirituous liquor shall not be advertised, offered for sale or sold at less than cost, or as a loss leader, as defined in, or other than as provided in the Unfair Practices Act, chapter 19.90 RCW.

(3) Radio and television programs originating from licensed premises, such as dance music, speeches, conventions, reunions, awards banquets, or similar programs, shall contain no reference to liquor or the service of liquor.

(4) No retail licensee shall permit the use of any sound amplifying device, public address system or loud speaker in or about the licensed premises for broadcasting music, entertainment or advertising to the outside of the licensed premises. Where conditions warrant, the broadcasting of soft background music may be permitted upon prior approval of the board. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-110, filed 7/18/80; Order 46, § 314-52-110, Rule 126, filed 6/9/76; Order 10, § 314-52-110, filed 10/27/70, effective 11/27/70; Rule 126, filed 6/13/63.]

WAC 314-52-111 Advertising by retail licensees--On premises. All regulations heretofore listed shall govern advertising by on-premises licensees such as Class A, B, C, D, and H licensees.

(1) Since the prerequisite for a Class H license is the service of complete meals, any advertisement by a Class H licensee which makes a direct reference to liquor or to the service of liquor shall mention with equal emphasis that food is available. For the purpose of clarification, use of such words as bar, barroom, drinks and cocktails in an advertisement is interpreted as a direct reference to liquor or the service of liquor; use of such words as

dinners, lunches, steak special, seafood dinners, and restaurant is interpreted as a reference to the availability of complete meals.

(2) Filled containers of wine or beer shall not be used for display purposes on dining room tables.

(3) Bona fide restaurants holding either a Class C or Class H license may display wine bottles in or near dining rooms of their premises.

(4) Retail licensees may advertise on their premises with the retail licensee's trade name the brands of liquors offered for sale on menus, wine lists, back bar signs, wall placards, and table tents; provided said advertising material is paid for by said retail licensee.

(5) Signs bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrance(s) to the premises. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-111, filed 7/18/80; 78-02-056 (Order 62), § 314-52-111, filed 1/20/78; Order 46, § 314-52-111, Rule 126.1, filed 6/9/76.]

WAC 314-52-112 Advertising by retail licensees--Off premises. Retail licensees (except those on brewery or winery premises) may advertise off premises various brands of beer and wine under the following conditions:

(1) That two or more brands of each of beer or wine, secured from no fewer than two manufacturers, are listed in any advertisement offering specific brands for sale.

(2) That no brand is given prominence in the advertisement over any other brand mentioned in that advertisement.

(3) That such advertising, by appearance or in fact is not jointly sponsored by a retailer and a manufacturer, importer or wholesaler.

(4) That beer or wine shall not be advertised, offered for sale or sold at less than cost or as a loss leader except as permitted under Unfair Practices Act, chapter 19.90 RCW. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-112, filed 7/18/80; Order 46, § 314-52-112, Rule 126.2, filed 6/9/76.]

WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises. Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 and 314-12-140, manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers; such signs and material shall be removed from the licensed premises when sale of

the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee.

(2) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers and other such brand advertising material for display at the point of sale. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-113, filed 7/18/80; 78-02-056 (Order 62, § 314-52-113, filed 1/20/78; Order 46, § 314-52-113, Rule 126.3, filed 6/9/76.)]

WAC 314-52-115 Advertising by clubs--Signs. (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a public restaurant, a Class H premises open to the public, a tavern open to the public, or that social functions, at which liquor may be consumed, are open to the public: *Provided, however,* Circularizing membership shall not be considered advertising.

(2) Outdoor signs as defined in WAC 314-52-070 shall make no direct or indirect reference to the sale or service of liquor.

(3) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership through the public media: *Provided,* Such advertising is clearly directed to their membership only and cannot be construed as implying that the general public is welcome to attend.

(4) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of WAC 314-52-115(3) above.

(5) Advertising may be directed to the public generally in connection with events of special public interest such as Flag Day, Memorial Day, Veterans Day or such other occasions, under provisions set forth in WAC 314-40-080(3).

(6) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so: *Provided,* That such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain any announcement of opening or closing hours, any invitation to visit the club, or any statement which may be construed as advertising or any implication that the club is operated as a public place. The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

(7) Club dining rooms may display and advertise wines under the conditions prescribed by WAC 314-52-111(3),(4) and (5). [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-115, filed 7/18/80; Order 46, § 314-52-114 (codified WAC 314-52-115), Rule 126.5, filed 6/9/76; Order 10, § 314-52-114, Rule 126.5, filed 10/27/70, effective 11/27/70.

Formerly WAC 314-40-090 (part), Rule 111, filed 6/13/63.]

WAC 314-52-120 Advertising by holders of special occasion Class G or J retail licenses. (1) Advertising by holders of Special Occasion Class G or J Retail Licenses who use public facilities or licensed club facilities, under the provisions of WAC 314-40-080(3), for charitable, civic, community or private functions, shall be limited to the sale or service of such liquor as is authorized for sale by the Special Occasion Retail License held and shall be governed by such other regulations applicable to retail licensees.

(2) Illegal advertising at any time during the past five years, while holding a Special Occasion Retail License, may be cited as sufficient reason to deny a subsequent application for a license by a charitable, civic, community or private organization. [Statutory Authority: RCW 66.08.030, 66.08.060, 66.98.070, and Title 34 RCW. 80-09-078 (Order 73, Resolution 82), § 314-52-120, filed 7/18/80; 78-02-056 (Order 62), § 314-52-120, filed 1/20/78; Order 46, § 314-52-120, Rule 126.6, filed 6/9/76.]

Chapter 314-56 WAC SCIENTIFIC STUDIES AND RESEARCH

WAC

- 314-56-010 Scientific studies and research.
- 314-56-020 Report of findings.

WAC 314-56-010 Scientific studies and research. Scientific studies may be made from time to time as fixed by the board relating to alcoholic beverages and the use and effect thereof. Qualified persons possessed of scientific training and research shall be employed to make such studies. [Rule 127, filed 6/13/63.]

WAC 314-56-020 Report of findings. The results of scientific studies relating to alcoholic beverages and the use and effect thereof shall be reported to the board by employees making such studies, at such times as the board shall require. [Rule 128, filed 6/13/63.]

Chapter 314-60 WAC PUBLIC RECORDS

WAC

- 314-60-010 Purpose—Washington state liquor control board.
- 314-60-020 Definitions—Public records—Writing.
- 314-60-030 Description of central and field organization of Washington state liquor control board.
- 314-60-040 Operations and procedure.
- 314-60-050 Public records available.
- 314-60-060 Public records officer.
- 314-60-070 Office hours.
- 314-60-080 Requests for public records.
- 314-60-090 Copying.
- 314-60-100 Exemptions.
- 314-60-105 General guidelines—Exempt records.
- 314-60-110 Review of denials of public records requests.
- 314-60-120 Protection of public records.

- 314-60-130 Records index.
- 314-60-140 Communications and submissions relating to public records.
- 314-60-150 Adoption of forms.
- 314-60-900 Organization chart (Appendix A).
- 314-60-901 Formal hearings (Appendix B).
- 314-60-902 Notice of proposed order of summary license suspension (Appendix C).
- 314-60-903 Notice of proposed order of summary license suspension with added penalty (Appendix C).
- 314-60-904 Notice of proposed order of summary license suspension with option for monetary penalty (Appendix C).
- 314-60-905 Notice of proposed order of summary license suspension with directions to implement option for monetary penalty (Appendix C).
- 314-60-906 Resolution No. 41 (Appendix D).
- 314-60-907 Request for public record (Appendix E).

WAC 314-60-010 Purpose—Washington state liquor control board. (1) The purpose of this chapter is to comply with the provisions of chapter 42.17 RCW dealing with public records.

(2) The "Washington state liquor control board," pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor with the consent of the senate, for terms of nine years that are staggered so that an appointment or reappointment is made every three years. The "Washington state liquor control board" shall sometimes hereinafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor control board. [Order 56, § 314-60-010, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-010, filed 4/17/73, effective 5/18/73.]

WAC 314-60-020 Definitions—Public records—Writing. (1) "Public records" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Order 22, § 314-60-020, filed 4/17/73, effective 5/18/73.]

WAC 314-60-030 Description of central and field organization of Washington state liquor control board. The board is an agency created to exercise the police power of the state in administering and enforcing all of the laws and regulations relating to alcoholic beverage control (Title 66 RCW).

(1) The board's major areas of activity are:

(a) Purchase, distribution and sale of liquor in the original package through its stores and agencies.

(i) All spirituous liquor in the original package is exclusively sold by the board.

(ii) Wines and malt beverages in the original package are sold by the board, and wines and beer can, under appropriate license, be sold by licensees.

(b) The licensing of the manufacture, distribution and sale of liquor. Licenses to retailers involve many different classifications and categories for the sale of liquor for on-premises and off-premises consumption. Licenses are also issued to manufacturers, breweries, wholesalers, importers, etc.

(c) The inspection of the activities and operations of liquor licensees and the enforcement of the liquor laws of the state of Washington and the rules and regulations of the board.

(2) The administrative offices of the Washington state liquor control board and its staff are located at:

(a) Main office, General Administration Building, Olympia.

(b) Warehouse and stores and agencies division, 4201 East Marginal Way South, Seattle.

(c) Inspection offices, including one at Olympia and one at the Seattle warehouse, are maintained in major cities throughout the state.

(d) Stores and agencies are maintained in cities, towns, and areas throughout the state. [Order 22, § 314-60-030, filed 4/17/73, effective 5/18/73.]

WAC 314-60-040 Operations and procedure. The general course and method by which the operations of the board are channeled and determined are:

(1) The organizational chart, attached hereto as Appendix A (Revised 5/77) [WAC 314-60-900], illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in Title X Hearings WAC 314-04-010, and in Title XIV Practice and Procedure WAC 314-08-010 through 314-08-590.

(a) Attached hereto as Appendix B (Revised 5/77) [WAC 314-60-901] is general information pertaining to formal hearings.

(b) Attached hereto as Appendix C (Revised 5/77) [WAC 314-60-902 through 314-60-905] are forms of notice of proposed order of summary license suspension.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except exempt matters, are made and conducted at its regular and/or special meetings. Attached hereto as Appendix D (Revised 5/77) [WAC 314-60-906] is a copy of Board Resolution 41 relating to its schedule for regular meetings. [Order 56, § 314-60-040, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-040, filed 4/17/73, effective 5/18/73.]

WAC 314-60-050 Public records available. All public records of the board as defined in WAC 314-60-020 are deemed to be available for public inspection and copying pursuant to these rules, except as provided by chapter 42.17 RCW and WAC 314-60-100 and 314-

60-105. [Order 56, § 314-60-050, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-050, filed 4/17/73, effective 5/18/73.]

WAC 314-60-060 Public records officer. The Washington state liquor control board's public records shall be available for inspection and/or copying through the public records officer designated by the board. The person so designated shall be located in the main office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally providing for the board's public records disclosure requirements of chapter 42.17 RCW. [Order 56, § 314-60-060, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-060, filed 4/17/73, effective 5/18/73.]

WAC 314-60-070 Office hours. Public records shall be available for inspection and copying at the main office of the board during its customary office hours. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. [Order 22, § 314-60-070, filed 4/17/73, effective 5/18/73.]

WAC 314-60-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be obtained by members of the public at the main office of the board upon compliance with the following procedures:

(1) A request shall be made in writing. A form prescribed by the board shall be available at its main office. The written request or prescribed form shall be submitted or presented to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the main office of the board during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was received at the main office of the board.

(c) The nature of the request.

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.

(e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order 56,

§ 314-60-080, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-080, filed 4/17/73, effective 5/18/73.]

WAC 314-60-090 Copying. No fee shall be charged for the inspection of public records. The board will impose a reasonable charge for providing copies of public records and for the use of the board's equipment to copy its public records, such charges will not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. [Order 22, § 314-60-090, filed 4/17/73, effective 5/18/73.]

WAC 314-60-100 Exemptions. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 314-60-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 56, § 314-60-100, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-100, filed 4/17/73, effective 5/18/73.]

WAC 314-60-105 General guidelines—Exempt records. The following general guidelines relate to the board's records, or portions thereof, that are, or may be, considered as exempt from public disclosure under the provisions of the Public Disclosure Law, chapter 42.17 RCW.

A general rule in connection with the application of any of the exemptions hereinbelow set forth is that such exemptions shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption will be construed to permit the non-disclosure of statistical information which is not descriptive of any readily identifiable person or persons.

The list of records and material generally considered exempt from disclosure by the board includes, but is not limited to, the following:

(1) Personal information of the board members and its entire staff as may be contained in the personnel records of each member or employee, with the exception that the employee's name, job title, and rate of pay for said job title, will be furnished. (See RCW 42.17.310(1)(b).)

(2) Audits of, and investigation reports concerning, individual licensees. (See RCW 42.17.310(1)(d).)

(3) Intelligence information and investigative data and reports pertaining to the enforcement of the liquor

laws and the board's regulations, the non-disclosure of which is essential to law enforcement or to the protection of any person's right to privacy. (See RCW 42.17.310(1)(d).)

(4) Current personal and/or financial information furnished by or pertaining to licensees. The board may determine in particular cases that it intends to and will, if not restrained by court order, disclose requested information after having first given notice to affected parties and thereafter affording any such parties a reasonable time to seek a protective order pursuant to the provisions of RCW 42.17.330.

(5) Special order requests and purchases by any person or persons, including class H licensees. (See RCW 66.16.090.)

(6) The board's records during the process of lease negotiations, when it would be both unfair and inequitable to disclose to contending parties what another party may have bid or offered. (See RCW 42.17.310(1)(g).)

(7) Names of protestors and/or endorsers on matters pertaining to license applications, and the names of complainants in connection with alleged liquor violations, except when the protestor, endorser, or complainant authorizes the release of his or her name at the time the protest, endorsement, or complaint is submitted. (See RCW 42.17.310(1)(d) and (e).)

(8) Computer program and research data of the board within five years of the request for disclosure when disclosure would produce private gain and public loss. (See RCW 42.17.310(1)(h).)

(9) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the board in connection with board action. (See RCW 42.17.310(1)(i).) [Order 56, § 314-60-105, filed 5/31/77, effective 7/1/77.]

WAC 314-60-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the board chairman, or in his absence, a member of the board. The board chairman or member, as the case may be, shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

[Order 22, § 314-60-110, filed 4/17/73, effective 5/18/73.]

WAC 314-60-120 Protection of public records. The public records officer shall:

(1) Implement whatever procedures are necessary to assure the retention and integrity of the board's records.

(2) Establish reasonable measures to provide that the board's records are not lost, stolen, altered, defaced or destroyed when such records are made available for inspection and/or copying.

(3) Records of the board made available for inspection or copying pursuant to these rules shall not be removed from the main office of the board. [Order 22, § 314-60-120, filed 4/17/73, effective 5/18/73.]

WAC 314-60-130 Records index. (1) Index. The board is in the process of compiling and will have available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency.

(c) Administrative staff manuals and instructions to staff that affect a member of the public.

(d) Planning policies and goals, and interim and final planning decisions.

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others.

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index as and when promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 22, § 314-60-130, filed 4/17/73, effective 5/18/73.]

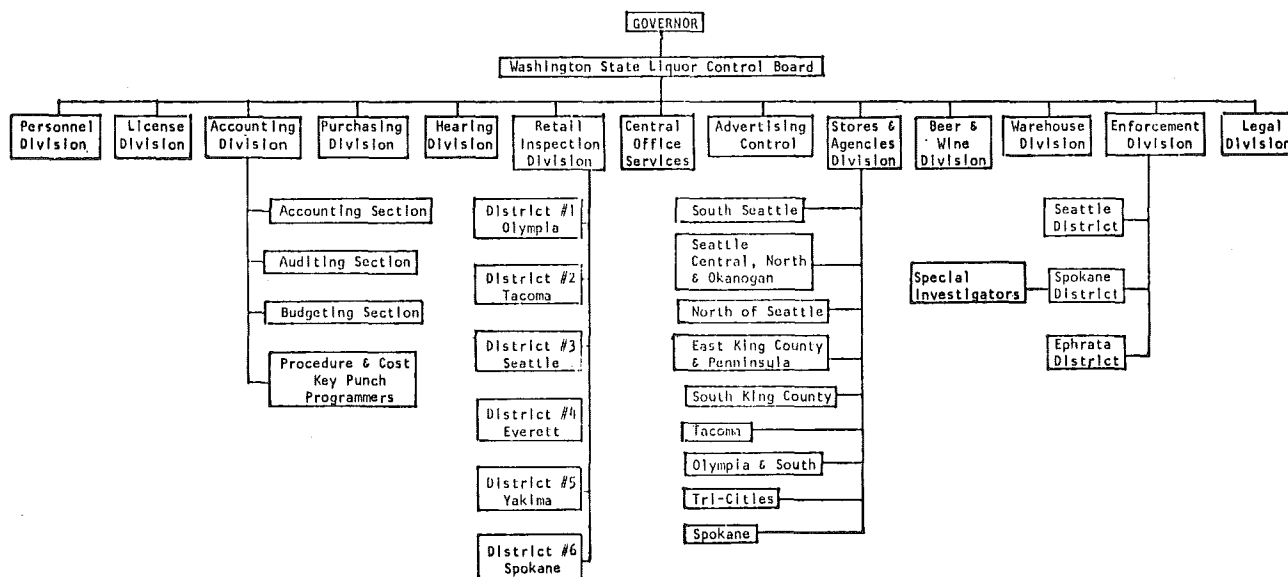
WAC 314-60-140 Communications and submissions relating to public records. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the board's decisions and other matters, shall be addressed as follows: Washington State Liquor Control Board, c/o Public Records Officer, Capitol Plaza Building, 1025 East Union Avenue, Olympia, Washington 98504. [Order 56, § 314-60-140, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-140, filed 4/17/73, effective 5/18/73.]

WAC 314-60-150 Adoption of forms. The board hereby adopts the form attached hereto as Appendix E (Revised 5/77) [WAC 314-60-907] entitled "Request for Public Record," which may be used by persons requesting inspection and/or copying or copies of its records. [Order 56, § 314-60-150, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-150, filed 4/17/73, effective 5/18/73.]

WAC 314-60-900 Organization chart (Appendix A).

APPENDIX A
(Revised 5/77)

WASHINGTON STATE LIQUOR CONTROL BOARD

Organization Chart
June 30, 1976

[Order 56, Appendix A (codified as WAC 314-60-900), filed 5/31/77, effective 7/1/77; Order 22, Appendix A, filed 4/17/73, effective 5/18/73.]

WAC 314-60-901 Formal hearings (Appendix B).

APPENDIX B
(Revised 5/77)FOR YOUR INFORMATION WHEN APPEARING
FOR
WASHINGTON STATE LIQUOR CONTROL
BOARD
FORMAL HEARING

You have been served with a complaint charging you, as a licensee of the Liquor Control Board, with a violation, or violations, of the Liquor Act and/or Revised Rules and Regulations of the Board. You have also been served with a notice of the time and place of the hearing, which notice further points out that the issues to be heard at the hearing are those as set forth in the complaint.

In connection with the hearing to be held, there is no need for any written answer, denial or explanation of the charge, or charges, made. While it is not necessary for you to have an attorney at this proceeding, you may consider it desirable to have legal representation. You may appear for yourself, however, the following persons are also qualified to appear on your behalf: (1) An attorney qualified and entitled to practice in the State of Washington; or (2) A bona fide officer, authorized manager, partner, or full-time employee of the individual firm, association, partnership or corporation. If there are further questions as to those authorized to appear before the Board at these proceedings your attention is

directed to WAC 314-08-010 of the Rules and Regulations of the Board.

A "Hearing Examiner" for the Liquor Control Board will preside at the hearing; the Board will be represented by an Assistant Attorney General who will examine witnesses for the Board in connection with the alleged violation, and all testimony will be given under oath. The testimony and argument offered will be recorded on a tape recorder.

After testimony has been given by a witness under examination of the Assistant Attorney General, you, or your representative, may cross-examine such witness upon the matters about which the witness has testified.

When the Board has presented its case, you and any witnesses you choose may testify regarding your version of the facts, at which time any defense to the allegations of the complaint may be presented. You and your witnesses are, of course, subject to cross-examination by the Assistant Attorney General on the matters which have been testified to under oath.

After the testimony has been presented, you, or your representative, will be given the opportunity to make an oral statement or argument which will be made a part of the record. The Assistant Attorney General will then be afforded the opportunity of making a statement or argument after which you, or your representative, may make a brief reply.

In the event that you, or your representative, do not choose to make an oral argument at the time the hearing is held, but would prefer to submit as part of the record

a statement or argument in written form, you will be permitted at your request to do so; provided that the written argument is submitted to the Board within ten (10) days from the time the hearing is held or within such other time limit as the Hearing Examiner may establish. If you, or your representative, choose to submit a written argument the Assistant Attorney General will be afforded the same opportunity.

The tape recording of all the testimony and the oral argument will be submitted to the Liquor Control Board for decision. A transcript may be obtained by you, or your representative, at your own cost.

In the event you, or your representative, have any questions regarding the hearing procedure please address such inquiries to the Washington State Liquor Control Board, Attention: Hearing Examiner, Olympia, Washington 98504. [Order 56, Appendix B (codified as WAC 314-60-901), filed 5/31/77, effective 7/1/77; Order 22, Appendix B, filed 4/17/73, effective 5/18/73.]

WAC 314-60-902 Notice of proposed order of summary license suspension (Appendix C).

APPENDIX C
(Revised 5/77)

**BEFORE THE WASHINGTON STATE LIQUOR
CONTROL BOARD**

IN THE MATTER OF

NO. _____

**NOTICE OF PROPOSED
ORDER OF SUMMARY
LICENSE SUSPENSION**

LICENSE NO. _____

TO: _____, Licensee(s).

Based upon reports of its investigators, the Washington State Liquor Control Board has reasonable cause to believe that you committed the violations listed below:

Therefore, the Board proposes to suspend your license privileges for a period of _____ days, subject to your right of a hearing thereon.

You are entitled by law to an opportunity for a hearing to contest the charges made against you. If you desire a formal field hearing, sign and date the attached form entitled LICENSEE REQUEST FOR HEARING, and sent it to:

Washington State Liquor Control Board
Attention: Hearing Division
Olympia, Washington 98504

Your request for a formal hearing *MUST* be delivered to the Board *WITHIN TEN (10) DAYS* of receipt of this notice in order to have a hearing.

If you do not request a hearing, the proposed suspension will become final and effective at 6:00 a.m. on _____ and continue until 6:00 a.m. on _____

**WASHINGTON STATE LIQUOR
CONTROL BOARD**

Date _____

)(269—31; 2/76—1c)(

[Order 56, Appendix C (codified as WAC 314-60-902), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.]

WAC 314-60-903 Notice of proposed order of summary license suspension with added penalty (Appendix C).

APPENDIX C
(Revised 5/77)

**BEFORE THE WASHINGTON STATE LIQUOR
CONTROL BOARD**

IN THE MATTER OF

NO. _____

**NOTICE OF PROPOSED
ORDER OF SUMMARY
LICENSE SUSPENSION
WITH ADDED
PENALTY**

LICENSE NO. _____

TO: _____, Licensee.

Based upon reports of its investigators, the Washington State Liquor Control Board has reasonable cause to believe that you committed the violation[s] listed below:

Therefore, the Board proposes to suspend your license privileges for a period of _____ days, subject to your right of a hearing.

You are entitled by law to an opportunity for a hearing to contest the charge made against you. If you desire a formal field hearing, sign and date the attached form entitled LICENSEE REQUEST FOR HEARING, and send it to:

WASHINGTON STATE LIQUOR CONTROL BOARD

Attention: Hearing Division
Olympia, Washington 98504

Your request for a formal field hearing *MUST* be delivered to the Board *WITHIN TEN (10) DAYS* of receipt of this notice in order to have a hearing.

If you do not request a hearing, the proposed suspension will become final and effective at 6:00 a.m. ----- and continue until 6:00 a.m. -----; AND IN ADDITION,

WASHINGTON STATE LIQUOR CONTROL BOARD

Date

)(143-31-4/77-50)(

[Order 56, Appendix C (codified as WAC 314-60-903), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.]

WAC 314-60-904 Notice of proposed order of summary license suspension with option for monetary penalty (Appendix C).

APPENDIX C
(Revised 5/77)

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF

NO. -----
NOTICE OF PROPOSED
ORDER OF SUMMARY
LICENSE SUSPENSION
WITH OPTION FOR
MONETARY PENALTY

LICENSE NO. -----

TO: -----, Licensee(s).

Based upon reports of its investigators, the Washington State Liquor Control Board has reasonable

cause to believe that you committed the violations listed below:

Therefore, the Board proposes to suspend your license privileges for a period of ----- days, subject to your right of a hearing thereon.

You are entitled by law to an opportunity for a hearing to contest the charges made against you. If you desire a formal field hearing, sign and date the attached form entitled LICENSEE REQUEST FOR HEARING, and send it to:

Washington State Liquor Control Board
Attention: Hearing Division
Olympia, Washington 98504

Your request for a formal hearing *MUST* be delivered to the Board *WITHIN TEN (10) DAYS* of receipt of this notice in order to have a hearing.

If you do not request a hearing, the proposed suspension will become final and effective at 6:00 a.m. on ----- and continue until 6:00 a.m. on -----.

The Board, in its discretion, has further determined that the proposed order of suspension will be vacated upon payment of a monetary penalty; said monetary penalty being in the amount of ----- (\$-----) to be paid by *certified or cashier's check*. If you choose to pay the fine, it must be paid *WITHIN TEN (10) DAYS* of receipt of this notice, unless a request for additional time is made *in writing* to the above address. Otherwise, the suspension will go into effect.

WASHINGTON STATE LIQUOR CONTROL BOARD

Date

)(275-31; 2/76-1c)(

[Order 56, Appendix C (codified as WAC 314-60-904), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.]

WAC 314-60-905 Notice of proposed order of summary license suspension with directions to implement option for monetary penalty (Appendix C).

APPENDIX C
(Revised 5/77)

**BEFORE THE WASHINGTON STATE LIQUOR
CONTROL BOARD**

IN THE MATTER OF

NO. _____

**NOTICE OF PROPOSED
ORDER OF SUMMARY
LICENSE SUSPENSION
WITH DIRECTIONS TO
IMPLEMENT OPTION
FOR MONETARY
PENALTY**

LICENSE NO. _____

TO: _____, Licensee(s).

Based upon reports of its investigators, the Washington State Liquor Control Board has reasonable cause to believe that you committed the violations listed below:

Therefore, the Board proposes to suspend your license privileges for a period of _____ days, subject to your right of a hearing thereon.

You are entitled by law to an opportunity for a hearing to contest the charges made against you. If you desire a formal field hearing, sign and date the attached form entitled **LICENSEE REQUEST FOR HEARING**, and send it to:

Washington State Liquor Control Board
Attention: Hearing Division
Olympia, Washington 98504

Your request for a formal hearing *MUST* be delivered to the Board *WITHIN TEN (10) DAYS* of receipt of this notice in order to have a hearing.

If you do not request a hearing, the proposed suspension will become final and effective at 6:00 a.m. on _____ and continue until 6:00 a.m. on _____.

The Board has further determined that the proposed order of suspension will be vacated upon payment of a monetary penalty. The penalty will be _____ times the daily average gross profit attributable to liquor sales at your premises. If you choose to pay the fine, it *MUST* be paid *WITHIN TEN (10) DAYS* of receipt of this notice, unless a request for additional time is made *in writing* to the above address. Otherwise, the suspension will go into effect.

(1980 Ed.)

Attached is a form entitled Certificate of Gross Profit From Liquor Sales. The amount of fine is determined by completing this form. If you choose to pay a fine, complete the attached form and return it with a *certified or cashier's check* in the amount of the fine, to the above address.

**WASHINGTON STATE LIQUOR
CONTROL BOARD**

Date _____

)(300—31; 2/76—1c)(

[Order 56, Appendix C (codified as WAC 314-60-905), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.]

WAC 314-60-906 Resolution No. 41 (Appendix D).

APPENDIX D
(Revised 5/77)

**WASHINGTON STATE LIQUOR CONTROL
BOARD**

RESOLUTION NO. 41

Administrative Order No. 32
LCB Order Register (WAC 1-12-040)

A RESOLUTION Relating to the regular meeting schedule of the Washington State Liquor Control Board.

WHEREAS, The Washington State Liquor Control Board heretofore adopted Resolution No. 24 relating to its regular meeting schedule; and

WHEREAS, The Board desires to amend said resolution regarding the location of its regular meetings, NOW, THEREFORE,

BE IT RESOLVED BY THE WASHINGTON STATE LIQUOR CONTROL BOARD, That it will conduct regular meetings on Tuesday and Thursday morning of each week except on holidays, commencing at 9:30 a.m., at its offices located on the fifth floor in the Capitol Plaza Building, Olympia, Washington.

Adopted this 3rd day of April, 1975, to become effective this same date.

**WASHINGTON STATE LIQUOR
CONTROL BOARD**

Jack C. Hood, Chairman

Leroy M. Hittle, Member

Don Eldridge, Member

Attest:

[Order 56, Appendix D (codified as WAC 314-60-906),
filed 5/31/77, effective 7/1/77; Order 22, Appendix D,
filed 4/17/73, effective 5/18/73.]

Secretary

APPROVED AS TO FORM:

Arthur Mickey
Assistant Attorney General

WAC 314-60-907 Request for public record (Appendix E).

APPENDIX E

(Revised 5/77)



REQUESTER: Please complete form and submit to "Public Records Officer" of the state agency identified.

REQUEST FOR PUBLIC RECORD

NAME OF STATE AGENCY						DATE OF REQUEST	TIME OF REQUEST
PUBLIC RECORDS OR INFORMATION REQUESTED							REQUESTED BY
COMPLETED BY AGENCY PUBLIC RECORDS OFFICER ACKNOWLEDGEMENT OF RECEIPT							
NO. OF COPIES		AMOUNT RECEIVED		DATE OF RECEIPT		TIME OF RECEIPT	
		\$					
PUBLIC RECORDS OFFICER				RECIPIENT'S SIGNATURE			
REASON IF AGENCY IS UNABLE TO COMPLY							
REQUESTER READ AND SIGN							
I understand that I must abide by the Rules and Regulations published by the agency identified, for the protection of public records, a copy of which I have read and understand.							
I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.							
REQUESTER'S SIGNATURE							

FORM S.F. 276 (6/75)

[Order 56, Appendix E (codified as WAC 314-60-907), filed 5/31/77, effective 7/1/77; Order 22, Appendix E, filed 4/17/73, effective 5/18/73.]

Chapter 314-62 WAC
LIQUOR LAW PAMPHLETS AND ANNUAL
REPORTS

WAC
314-62-010 Liquor law pamphlets.
314-62-020 Annual reports.

[Title 314 WAC—p 56]

WAC 314-62-010 Liquor law pamphlets. Pursuant to RCW 66.08.030 as amended by section 1, chapter 115, Laws of 1977 ex. sess., pamphlets containing the liquor laws (Title 66 RCW and other liquor related statutes) and the revised rules and regulations of the board shall be made available through the Board's Central Office Services Division, 1025 East Union Avenue.

(1980 Ed.)

Olympia, Washington 98504, for distribution, upon request, to any member of the public. An updating service covering amendments to the Liquor Act and the Revised Rules and Regulations of the Board shall also be available for such distribution. Charges shall be made for these items as follows:

Liquor Laws and Regulations _____ \$1.50
Update Service _____ \$3.50

Provided, however, That copies of the liquor laws and regulations and the update service shall be provided without charge as follows: (1) to the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensees of the board, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers. [Statutory Authority: RCW 66.08.030, 66.98.070 and Title 34 RCW. 78-02-039 (Order 63), § 314-62-010, filed 1/17/78.]

WAC 314-62-020 Annual reports. Pursuant to RCW 66.08.028, the board makes annual reports to the governor covering the administration and enforcement of the Liquor Act during the preceding fiscal year. Copies of this report shall be available through the Board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. A charge of \$2.80 shall be made for each copy of this report: *Provided, however,* That copies of the annual report shall be provided without charge as follows: (1) to the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensed agents of suppliers of liquor with whom the board does business, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy of the annual report shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers. [Statutory Authority: RCW 66.08.030, 66.98.070, and Title 34 RCW. 78-05-003 (Order 65, Resolution 74), § 314-62-020, filed 4/6/78; 78-02-039 (Order 63), § 314-62-020, filed 1/17/78.]

Chapter 314-64 WAC LIQUOR SAMPLES

WAC	
314-64-010	Purpose (Rule 129).
314-64-020	Definitions (Rule 130).
314-64-030	Procedures for chemical analysis (Rule 131).
314-64-040	Procedures for board samples (Rule 132).

314-64-050 Accounting (Rule 133).

WAC 314-64-010 Purpose (Rule 129). The purpose of this chapter is to comply with and implement provisions of section 9, chapter 175 [173], Laws of 1975 1st ex. sess., and RCW 66.28.035 [66.28.045], and section 10, chapter 175 [173], Laws of 1975 1st ex. sess., and RCW 66.28.040. [Order 40, § 314-64-010, filed 8/21/75.]

WAC 314-64-020 Definitions (Rule 130). Samples shall mean:

(1) Beer and/or containers submitted to the board for chemical analysis of the beer, as required by WAC 314-20-020(2)(b).

(2) Wine and/or containers submitted to the board for chemical analysis of the wine, as required by WAC 314-24-040(1)(b).

(3) Malt liquor, wine, spirits and/or containers submitted to the board for the purpose of negotiating the sale of liquor to the state liquor control board as provided in RCW 66.28.040. [Order 40, § 314-64-020, filed 8/21/75.]

WAC 314-64-030 Procedures for chemical analysis (Rule 131). Procedures for submitting samples of beer or wine for chemical analysis are as follows:

(1) Quantity. Samples shall consist of two pints (or two containers of 375 milliliters each); or one quart (or one liter), or one four-fifths quart (or 750 milliliters): *Provided, however,* That if such beer or wine is available only in containers of larger capacity than one liter, such a sample may be submitted in such package size nearest in quantity to one liter.

(2) Identification. Suppliers shall identify the items on the cartons and shipping documents as "Samples for chemical analysis".

(3) Shipping instructions. Suppliers shall deliver or ship samples prepaid to Washington State Liquor Control Board Warehouse, Attention Beer and Wine Division, 4201 East Marginal Way South, Seattle, Washington 98134.

(4) Use and disposition of samples. Samples of beer and wine submitted for chemical analysis shall be analyzed at the Washington State Food and Drug Laboratory, University of Washington College of Pharmacy, for alcoholic content and to determine whether they conform to standards of identity and quality standards prescribed by board regulations. After such analysis, any remaining portion of said samples shall be disposed of by laboratory personnel.

(5) Reports. The laboratory shall report its findings on appropriate forms to the board's beer and wine division and liquor controller of the board. Based on the findings, and other statutory and regulatory requirements, the beer and wine division shall either issue a certificate of label approval to the supplier, or notify the supplier that a certificate of label approval has been denied, along with the reasons for the denial.

(6) Excess. Beer or wine received in excess of the quantity authorized in WAC 314-64-030 for chemical

analysis shall be shipped back to the supplier at the supplier's expense, if the supplier is located in the United States. If the supplier is located outside the United States, beer or wine received in excess of the quantity authorized in WAC 314-64-030 for chemical analysis will be held by the warehouse superintendent until the supplier has been notified of the overshipment and given fifteen days in which to respond as to whether he wants the excess returned to him at his expense. Failure of the supplier to respond within the time limitation or notification from the supplier that he does not want the excess returned to him, will result in the excess item or items being destroyed by a liquor control board auditor in the presence of the warehouse superintendent, or his designee, after which a destruction notice will be prepared by the auditor and be certified by the warehouse superintendent, or his designee, who witnessed the destruction. Copies of such destruct notices shall be distributed to the warehouse superintendent and the liquor control board controller in Olympia. [Order 57, § 314-64-030, filed 7/28/77, effective 9/1/77; Order 40, § 314-64-030, filed 8/21/75.]

WAC 314-64-040 Procedures for board samples (Rule 132). Procedures for submitting samples of malt liquor, wine or spirits to the board for the purpose of negotiating the sale of liquor to the board are as follows:

(1) Quantity. Samples shall not exceed in quantity that authorized by the U.S. Bureau of Alcohol, Tobacco and Firearms.

(2) Identification. Suppliers shall identify the items on the cartons and shipping documents as "Samples for the Board".

(3) Shipping instructions. Suppliers shall deliver or ship samples prepaid to the Washington State Liquor Control Board, Attention Liquor Purchasing Agent, 1025 East Union Avenue, Olympia, Washington 98504.

(4) Use and disposition of samples. Samples submitted for the purpose of negotiating the sale of liquor to the board shall be examined and tested by members of the board, or their designees, and/or the liquor purchasing agent, or his designee, for appearance, aroma and taste, and to determine their probable customer acceptability. After such examination and testing, any remaining portion of said samples shall be disposed of by members of the board, or their designees who examined and tested said samples, or by the purchasing agent, or his designee who examined and tested said samples.

(5) Reports. Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall report their findings and recommendations on appropriate forms to the liquor purchasing agent for consolidation and report to the board. The board shall consider such findings and recommendations, along with other documents furnished by the supplier, in determining whether the items represented by the samples shall be purchased by the board for resale through state liquor stores.

(6) Excess. Samples received in excess of the quantity authorized in WAC 314-64-040 for the purpose of negotiating the sale of liquor to the board shall be shipped back to the supplier at the supplier's expense if the supplier is located in the United States. If the supplier is located outside the United States, samples received in excess of the quantity authorized in WAC 314-64-040 for the purpose of negotiating the sale of liquor to the board will be held by the liquor board purchasing agent until the supplier has been notified of the overshipment and given fifteen days in which to respond as to whether he wants the excess returned to him at his expense. Failure of the supplier to respond within the time limitation, or notification from the supplier that he does not want the excess returned to him, will result in the excess item or items being destroyed by the liquor control board auditor in the presence of the liquor purchasing agent, or his designee, after which a destruction notice will be prepared by the auditor and be certified by the liquor board purchasing agent or his designee who witnessed the destruction. Copies of such destruct notices shall be distributed to members of the board, the liquor purchasing agent, and the liquor control board controller. [Order 40, § 314-64-040, filed 8/21/75.]

WAC 314-64-050 Accounting (Rule 133). Samples shall be accounted for as follows:

(1) Beer and wine submitted to the board for chemical analysis.

(a) Upon receipt of the samples at the warehouse in Seattle, the warehouse superintendent, or his designee, shall prepare a multiple-copy receiving report for said samples, clearly identifying them as "samples for chemical analysis".

(b) If more than the amount authorized in WAC 314-64-030 is received, the warehouse superintendent, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-030(6).

(c) The warehouse superintendent, or his designee, shall deliver the multiple-copy receiving report, with the applicable samples, to the beer and wine enforcement officer in the Seattle warehouse.

(d) The said enforcement officer shall sign the multiple-copy receiving report, indicating his receipt of the samples.

(e) The warehouse superintendent, or his designee, shall distribute the signed multiple-copies of the receiving report as follows: The original to the beer and wine enforcement officer in Seattle, one copy to the warehouse superintendent, one copy to the supervisor of the beer and wine division in Olympia, and one copy to the liquor board controller in Olympia.

(f) The enforcement officer shall prepare a multiple-copy memorandum bill of lading which shall be numbered consecutively, and shall include the applicable warehouse receiving report number.

(g) The enforcement officer shall deliver the memorandum bill of lading, with the applicable samples, to

the Washington State Food and Drug Laboratory, University of Washington College of Pharmacy, for chemical analysis and report as provided in WAC 314-64-030.

(h) A representative of the Washington State Food and Drug Laboratory shall sign the memorandum bill of lading, indicating receipt of the samples at the laboratory.

(i) The enforcement officer shall distribute the signed memorandum bill of lading as follows: The original to the representative of the Washington State Food and Drug Laboratory, one copy to the beer and wine supervisor in Olympia, one copy to the liquor control board controller in Olympia, and one copy to be retained by the beer and wine enforcement officer in Seattle.

(j) The liquor control board controller in Olympia shall maintain the official copies of the receiving reports together with the matching bills of lading, and, where applicable, the destruct notices.

(2) Malt liquor, wine or spirits submitted to the board for the purpose of negotiating the sale of liquor to the board.

(a) Upon receipt of the samples by the liquor purchasing agent in Olympia, the liquor purchasing agent, or his designee, shall prepare a multiple-copy receiving report for said samples, clearly identifying them as "samples for the purpose of negotiating the sale of liquor to the board".

(b) If more than the amount authorized in WAC 314-64-040 is received, the liquor purchasing agent, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-040(6).

(c) The liquor purchasing agent, or his designee, shall sign the multiple-copy receiving report, indicating his receipt of the samples.

(d) The liquor purchasing agent, or his designee, shall distribute the signed multiple-copies of the receiving reports as follows: The original to be retained by the liquor purchasing agent, one copy to each member of the board, and one copy to the liquor control board controller.

(e) The purchasing agent, or his designee, shall prepare a multiple-copy memorandum bill of lading and a three-part report form, as required in WAC 314-64-040(5) for each sample. The bills of lading and report forms shall be numbered consecutively, and shall include the applicable receiving report number.

(f) The liquor purchasing agent shall deliver the memorandum bills of lading and duplicate report forms with the samples, to members of the board, or their designees, and/or to the liquor purchasing agent, or his designee, for examination, testing and reporting as provided in WAC 314-64-040(4) and (5).

(g) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall sign the memorandum bills of lading, indicating receipt of the samples.

(h) The purchasing agent shall distribute the signed memorandum bills of lading as follows: The original to the member of the board, or his designee, or the liquor

purchasing agent, or his designee, to whom the sample was delivered; one copy to the liquor control board controller, and one copy to be retained by the liquor purchasing agent.

(i) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall examine and test the sample, as provided in WAC 314-64-040(4), complete the three copy report form, and distribute the form as follows: The original to the liquor purchasing agent, one copy to the liquor control board controller, and one copy to be retained by the member of the board, or his designee, and/or the liquor purchasing agent, or his designee who examined and tested the sample.

(j) The liquor control board controller shall maintain the official copies of the receiving reports, together with the matching memorandum bills of lading, report forms, and, where applicable, the destruct notices. [Order 40, § 314-64-050, filed 8/21/75.]

Chapter 314-68 WAC

IMPORTATION OF ALCOHOLIC BEVERAGES FOR PERSONAL OR HOUSEHOLD USE

WAC

314-68-010	Purpose (Rule 134).
314-68-020	Definitions (Rule 135).
314-68-030	Quantity (Rule 136).
314-68-040	Procedures for foreign imports (Rule 137).
314-68-050	Procedures for domestic imports (Rule 138).

WAC 314-68-010 Purpose (Rule 134). The purpose of this chapter is to comply with and implement provisions of RCW 66.12.110 and 66.12.120 and to regulate the importation of alcoholic beverages into the state from outside the United States, or from another state within the United States, for personal or household use. [Order 60, § 314-68-010, filed 11/1/77; Order 40, § 314-68-010, filed 8/21/75.]

WAC 314-68-020 Definitions (Rule 135). In this title, unless the context provides otherwise, the following definitions shall apply:

(1) "Alcoholic beverages" means liquor as defined in RCW 66.04.010(16).

(2) "Unlicensed individual" means a person, 21 years of age or older, bringing alcoholic beverages into the state from outside the United States, or from another state within the United States, for personal or household use.

(3) "Personal or household use" means that the alcoholic beverages are to be consumed by the unlicensed individual, in his residence, or by his family and/or guests, in his residence, at no charge to the family and/or guests. Personal or household use also means that such alcoholic beverages may not be sold or resold.

(4) "Equivalent markup and tax" means the average state markup and tax that would be applicable to the purchase of the same or similar alcoholic beverages at retail from a state liquor store. [Order 60, § 314-68-

020, filed 11/1/77; Order 40, § 314-68-020, filed 8/21/75.]

WAC 314-68-030 Quantity (Rule 136). The amount of alcoholic beverages which an unlicensed individual may bring into the state shall be governed by the following:

(1) Such quantities as have been declared and permitted to enter the United States duty free under federal law may be allowed to enter the state from without the United States, free of tax and markup, for personal or household use.

(2) Such quantity in excess of that permitted in WAC 314-68-030(1) may be allowed to enter the state from without the United States, for personal or household use, upon payment of the equivalent markup and tax.

(3) The board may authorize a reasonable amount of alcoholic beverages to be brought into the state from another state for personal and household use, upon payment of the equivalent markup and tax. [Order 40, § 314-68-030, filed 8/21/75.]

WAC 314-68-040 Procedures for foreign imports (Rule 137). Procedures for an unlicensed individual to bring alcoholic beverages in excess of the quantity permitted in WAC 314-68-030(1) into the state from outside the United States for personal or household use are as follows:

(1) The United States Customs Service shall be requested to require each such individual to complete a declaration form prescribed by the board, and to present such form to the United States customs inspector who will review the form for completeness; compute state taxes and markup from a chart supplied by the board; sign the form; provide duplicate copies of the completed form to the unlicensed individual; mail a copy of the form to the board, and retain a copy for the United States Customs Service.

(2) The unlicensed individual who has signed the declaration form shall mail a copy of the form with payment of the total state taxes and markup to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington, within ten calendar days from the date of signing the declaration form, and said individual shall act as custodian for the alcoholic beverages until a release is received from the board.

(3) Upon receipt of total state taxes and markup due, the board shall mail a receipt/release to the unlicensed individual signing such declaration, authorizing use of the alcoholic beverages, for which the total state taxes and markup due has been paid, for personal or household use, but not for sale or resale. [Order 60, § 314-68-040, filed 11/1/77; Order 40, § 314-68-040, filed 8/21/75.]

WAC 314-68-050 Procedures for domestic imports (Rule 138). Procedures for an unlicensed individual to bring alcoholic beverages into the state from another state for personal or household use are as follows:

(1) Prior authorization must be obtained from the board before alcoholic beverages may be brought into

the state from another state for personal or household use. Any unlicensed individual who fails to obtain prior authorization will be subject to provisions of RCW 66.44.160.

(2) An unlicensed individual may apply for such authorization to the Washington State Liquor Control Board, Attention Liquor Purchasing Agent, 1025 East Union Avenue, Olympia, Washington 98504. The application must include a list of the items to be brought into the state.

(3) The liquor purchasing agent will compute the equivalent markup and tax, and issue said authorization upon payment by the unlicensed individual of the applicable equivalent markup and tax.

(4) The authorization will list the alcoholic beverage items to which it applies, and the markup and taxes the unlicensed individual paid thereon.

(5) The authorization must be in possession of the unlicensed individual when such alcoholic beverages are brought into the state. [Order 40, § 314-68-050, filed 8/21/75.]

Chapter 314-72 WAC AGENCY GUIDELINES—STATE ENVIRONMENTAL POLICY

WAC

314-72-010 Purpose. (Rule 140).
314-72-020 Application. (Rule 141).

WAC 314-72-010 Purpose. (Rule 140). The purpose of this chapter is to comply with and implement RCW 43.21C.120 directing every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Protection Act into the various programs under their jurisdiction for implementation. [Order 44, § 314-72-010, Rule 140, filed 5/4/76.]

WAC 314-72-020 Application. (Rule 141). Pursuant to WAC 197-10-800, the Liquor Control Board has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-10 WAC. [Order 44, § 314-72-020, Rule 141, filed 5/4/76.]

Chapter 314-76 WAC SPECIAL ORDERS

WAC

314-76-010 Special order of liquor by customers. (Rule 145).

WAC 314-76-010 Special order of liquor by customers. (Rule 145). Pursuant to RCW 66.08.070 and 66.08.090, upon the request of any eligible person, the board will special order any spirituous liquor, wine or malt beverage over four percent (4%) alcohol by weight that is not listed for sale in state liquor stores. Special order request forms may be obtained in any liquor store and should be mailed directly to the Purchasing Division, Washington State Liquor Control Board, Olympia,

Washington 98504. Special order requests will be accepted for case lots only. When the special order liquor is received at the liquor store specified on the customer request, the manager will notify the customer. The customer shall pay for and pick up the liquor within seven (7) days of such notice. Any special order liquor which is not picked up within this time period will be disposed of as directed by the board. [Order 55, § 314-76-010, filed 5/31/77, effective 7/1/77.]