

Chapter 314-09 WAC

CONTESTED LIQUOR LICENSE APPLICATIONS AND RENEWALS

WAC

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

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

(1) The process for persons, entities, and governmental jurisdictions to object to the issuance or renewal of a liquor license or permit; and

(2) An applicant or licensee's options when his/her liquor license or permit is denied or action is taken to not renew his/her liquor license or permit.

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

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

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

(2) **What will happen if a person or entity objects to a liquor license application?** When deciding whether to issue

(10/14/09)

or deny a liquor license application or permit, the board will give due consideration to input from governmental jurisdictions in which the premises is located; private schools, churches, and public institutions within 500 feet of the premises (as measured according to RCW 66.24.010(9)); and other persons or groups. Note: Per RCW 66.24.010(9), the board shall not issue a new retail liquor license if a tax-supported public elementary or secondary school within 500 feet of the premises to be licensed objects to the application (500 feet as measured according to RCW 66.24.010(9)).

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

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

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

(ii) Submit a written request on a form provided by the board for an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). The request must be received within twenty days of the date the intent to deny notification was mailed.

[Statutory Authority: RCW 66.08.030. WSR 09-21-048, § 314-09-010, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 66.08.030 and 66.24.010. WSR 05-07-011, § 314-09-010, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150. WSR 01-03-087, § 314-09-010, filed 1/17/01, effective 2/17/01.]

WAC 314-09-015 Objections to liquor license renewals. (1) **How can local governmental jurisdictions object to the renewal of a liquor license?**

(a) The board will give governmental jurisdictions approximately ninety days written notice of premises that hold annual liquor licenses in that jurisdiction that are up for renewal.

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

(c) This letter must be received by the board at least thirty days before the liquor license expires. The objection must state specific reasons and facts that show issuance of the liquor license at the proposed location or to the applicant

[Ch. 314-09 WAC p. 1]

business will detrimentally impact the safety, health, or welfare of the community.

(d) If the objection is received within thirty days of the expiration date or the licensee has already renewed the license, the objection will be considered as a complaint and possible license revocation may be pursued by the enforcement division.

(e) Objections from the public will be referred to the appropriate governmental jurisdiction for action under subsection (2) of this section. Upon receipt of the objection, the board licensing and regulation division will acknowledge receipt of the objection(s) and forward to the appropriate governmental jurisdiction. Such jurisdiction may or may not, based on the public objection, request nonrenewal.

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

(a) Board decides to renew the liquor license:	(b) Board decides to pursue nonrenewal of the liquor license:
<p>(i) The board will notify the governmental jurisdiction(s) in writing of its intent to renew the license, stating the reason for this decision.</p> <p>(ii) The governmental jurisdiction(s) may contest the renewal and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW) by submitting a written request on a form provided by the board. The request must be received within twenty days of the date the intent to renew notification was mailed.</p>	<p>(i) The board will notify the licensee in writing of its intent to not renew the license, stating the reason for this decision.</p> <p>(ii) The licensee may contest the nonrenewal action and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW) by submitting a written request on a form provided by the board. The request must be received within twenty days of the date the intent to deny notification was mailed.</p> <p>(iii) If the licensee requests a hearing, the governmental jurisdiction will be notified.</p> <p>(iv) During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the liquor license until a final decision is made.</p>

[Statutory Authority: RCW 66.08.030. WSR 09-21-048, § 314-09-015, filed 10/14/09, effective 11/14/09. Statutory Authority: RCW 66.08.030 and 66.24.010. WSR 05-07-011, § 314-09-015, filed 3/4/05, effective 4/4/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.08.150. WSR 01-03-087, § 314-09-015, filed 1/17/01, effective 2/17/01.]