



Washington State
Liquor Control Board

MEMORANDUM

DATE: June 3, 2009

TO: Pat Parmer, Chief of Enforcement and Education Division

CC: Pat Kohler, Administrative Director

FROM: Lorraine Lee, Board Chairman *LL*
Roger Hoen, Board Member *RH*
Ruthann Kurose, Board Member *RK*

SUBJECT: Delegation of Authority for Settlement Agreements on First Offenses for Liquor and Tobacco Administrative Violations

Background

Currently, Board Members review all proposed compromise settlement agreements prepared (internally) by the hearings officer in the Alternative Dispute Resolution (ADR) process and stipulated settlement agreements and proposed final orders of the board prepared (externally) by Assistant Attorneys General.

In calendar year 2008, we acted on 347 compromises for liquor violations with a first offense and 59 compromises for tobacco violations with a first offense. These first-time violations with compromises accounted for approximately 73% of the ADR cases that came to us for a final determination. Also notable, 33% of the 151 administrative hearing requests generated during this biennium were settled prior to a hearing.

At the Executive Management Team meeting on May 27, 2009, it was discussed and agreed upon that the decision to approve or disapprove proposed settlement agreements should be delegated to the chief of the enforcement and education division. Such delegation would promote efficiency and streamline administrative decision-making. It also furthers the Board Members' priorities for the agency's 2009-11 Strategic Plan, including continuous improvement of agency operations.

Delegation of Authority

Therefore, in accordance with WAC 314-42-010(1), (3), we delegate decision making authority for approval and disapproval of settlement agreements for first offenses only to the chief of the enforcement and education division. This delegation of authority is effective July 1, 2009. This delegation does not affect a licensee's existing rights under WAC 314-29-010(3)(c) if a proposed settlement agreement is disapproved.