

# **State Centennial Accord Plan**

## **WASHINGTON STATE LIQUOR CONTROL BOARD**

### **AGENCY MISSION**

The mission of the Washington State Liquor Control Board is to serve the public by preventing the misuse of alcohol and tobacco through education, enforcement, and controlled distribution.

### **AGENCY VISION**

The Liquor Control Board is an organization of 1,100 employees committed to customer service and dedicated to diversity and partnership that encourage active participation from the public, the agency's employees, and stakeholders.

### **PROGRAMS**

**LICENSING DIVISION.** Issues new retail licenses, renewals, and denials; conducts public hearing for these actions; issues special occasion permits (weddings, banquets, etc.); maintains licensing records; staffs a customer service desk which tracks the status of an application for a liquor license. Also furnishes technical assistance about licensing and sales requirements to manufacturers, importers, wholesalers, and non-retail businesses.

#### **ENFORCEMENT & EDUCATION DIVISION.**

**Enforcement Section:** Enforces tobacco and alcohol regulations (inspects premises, investigates complaints, conducts compliance checks, conducts special emphasis patrols where necessary; takes administrative / criminal action against violators); maximizes the collection of tobacco and alcohol taxes; provides specialized liquor enforcement training to law enforcement agencies, including tribal police.

**Education Section:** Conducts Alcohol Awareness Program (AAP) to reduce under-age drinking and to foster responsible behavior in adults who are of legal drinking age.

**PRODUCT & RETAIL SERVICES DIVISION (Purchasing Services Section).** Reviews and places liquor orders with suppliers, recommends listings and de-listings, issues transportation permits, negotiates military / tribal vendor agreements.

#### **POLICY, LEGISLATIVE, and MEDIA RELATIONS.**

Assists with policy development, conducts rule-making, including public outreach to tribes, directs legislative requests and strategies, coordinates public relations. Division Director serves as the agency's Tribal Liaison.

## **FUNDING and FUNDING DISTRIBUTION:**

The Liquor Control Board can authorize the off-premise retail sale of liquor in Indian Country when the tribe has signed a mutually negotiated government-to-government Tribal Vendor Agreement with the Board. A signed agreement, subject to federal law (U.S.C. 1161), state law, and tribal law, is necessary in order for liquor sales to take place in Indian Country.

To begin negotiations on an agreement, tribal representatives can contact the Liquor Control Board's Purchasing Services in the agency's Product and Retail Services Division.

Funding through or by the Liquor Control Board is currently available only through off-premise retail liquor sales authorized under contract in the form of a government-to-government Tribal Vendor Agreement. The Tribes can also earn revenue by selling liquor by-the-drink at appropriately licensed casinos or restaurants or through revenue received from selling liquor at a state-established retail price in tribally operated liquor stores (if exist).

## **DEFINITIONS**

- “Control State” - Washington State is one of 18 “control states” nationwide that controls the sale of distilled spirits, and in some cases, beer and wine, through government agencies at the wholesale and retail levels (state-run distribution center and liquor stores).
- “Open States” (also known as “License States”) – states where retail sales of distilled spirits and wine are in the hands of private sellers.
- “Three-tier system” (created by “Tied-house laws”) – systems governed by laws that separate the alcohol-related business transactions of manufacturers, wholesalers, and retailers (the “three tiers” of the alcohol business). Likewise, laws which prohibit certain ties; i.e., business relationships, between liquor manufacturers, wholesalers, and retailers (as outlined in RCW 66.24.010 (8)(9) - *Manufacturers, importers, and distributors barred from interest in retail business or location...*).
- “Tribal Vendor Agreement” - A signed, government-to-government agreement entered into by a Tribe and the Washington State Liquor Control Board in order that any liquor sales and purchases take place on a Reservation in accordance with state, federal, and tribal laws.
- “License Issuance or Renewal” - The process by which the liquor Control Board issues, renews (or denies) a liquor license. The process includes “notice to legal authorities,” prompting them to comment on or object to the issuance or renewal of a liquor license (per RCW 66.24.010. (*[License] issuance, transferability, refusal, suspension, or cancellation...*)). “Legal authorities” include governmental jurisdictions such as tribes.
- “JAMS / Endispute” – a mediation service, using a panel of neutral justices, judges, and attorneys, to resolve disputes ([www.jamsadr.com](http://www.jamsadr.com)).

## **CONSULTATION PROCESS and FUNDS DISTRIBUTION**

### **I. Policy Development**

#### **\* Meetings / Public Hearings**

The three-member Board holds weekly meetings and, once a month, meets out-of-town, soliciting comment from local jurisdictions, including tribes. Board agendas are published 24-hours prior to every meeting. In the case of rule changes, the Board publishes proposed changes and dates for formal public hearings 20-days prior to events, in accordance with the state's rule review calendars.

The state's liquor licensing program conducts a mandatory process by which governmental jurisdictions, by formally notifying the Board, can object to the issuance or renewal of a liquor license (RCW 66.24.010; and Chapter 314-09 WAC). Various tribes have regularly protested the issuance or renewal of a liquor license in this manner.

#### **\* Legislation**

The agency staff solicits proposals for agency request legislation in June of each year. Contact the Board's Legislative Liaison for details. The agency distributes proposed drafts to stakeholders, including tribes, for review prior to approval from the Governor's Office and legislative introduction.

### **II. Program Development.**

Each Division, guided by the agency's Strategic Plan, develops and coordinates its own programs. For example, a regional Enforcement Office, in enacting its "community oriented policing," will provide technical assistance to local law enforcement or citizens' groups. Likewise, the agency's Alcohol Awareness Program, using a local advisory committee, will issue materials or conduct a local workshop on underage drinking.

### **III. Funding Distribution.** Distribution of funds generated by retail sales of liquor, beer, and wine, as well as funds derived from licensing fees, is made in accordance with state laws which prescribe the distribution by formula, principally to the state's General Fund, Cities, Counties, and alcohol research.

## **DISPUTE RESOLUTION PROCESS**

The following outlines the Liquor Control Board's dispute resolution process and when it may be used:

### **I. WHEN USED.**

For use in the event of a dispute or disagreement between parties regarding interpretation of obligations within Tribal Vendor Agreements negotiated by a Tribe and the Washington State Liquor Control Board.

### **II. PROCESS** (*Note: this is an example only; dispute processes may differ from tribe to tribe per individual Tribal Vendor Agreements*)

1. Either party gives written notice setting forth the issues for resolution
2. Parties confer no later than ten (10) days after receipt of notice
3. If the dispute is not resolved to the satisfaction of either party within 20 days of the first meeting, then the parties refer the dispute to the policies and procedures found in JAMS/Endispute or another mediation service.
4. There will be a hearing within 14 days of the selection of professional mediation judge.
5. The hearing shall occur at a time and place of mutual selection.
6. The decision of JAMS/Endispute is final and unappealable. Any arbitration award is subject to Chapter 7.04 RCW (Arbitration).

**ADMINISTRATIVE VIOLATIONS.** There is also a defined appeal process for Administrative Violation Notices (AVN). When an enforcement agent believes that a licensee or a mandatory alcohol server training (MAST) permit holder has violated a Board statute or regulation, the agent prepares an Administrative Violation Notice (AVN). The licensee or MAST permit holder may request a settlement conference (per WAC 314-29-010) or an administrative hearing (pursuant to Chapter 34.05 RCW (Washington Administrative Procedure Act) ). With an administrative hearing, the agency follows the process as outlined in the Administrative Procedure Act, with the three member Board making the final decision.

### **Washington State Liquor Control Board Contacts.**

#### **BOARD MEMBERS**

Eugene Prince, Chair. 360.664.1711  
Vera Ing, Board Member. 360.664.1715  
Kathy Kreiter, Board Member. 360.664.1713

#### **POLICY DEVELOPMENT**

Fred Romero, Agency Tribal Liaison; Director of Policy, Legislative and Media Relations.  
360.664.1649  
Rick Garza, Legislative Liaison. 360.664.1650  
Teresa Berntsen, Rules Coordinator. 360.664.1648

#### **PROGRAM IMPLEMENTATION**

Bonnie Boyle, Administrative Director. 360.664.1703

#### **DISTRIBUTION OF FUNDS**

Rob Kirkwood, Manager, Budget Office. 360.664.1690

#### **PURCHASING SERVICES (Tribal Vendor Agreements)**

Gary Thompson, Deputy Director. 360.664.1668

