

July 27, 2022

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CONDITIONAL ORDER OF STAY

SUBJECT: Department of Local Services file no. **BUSL200016**

TENOR WINES, LLC
Code Enforcement Appeal

Location: 16116 140th Avenue NE, Woodinville

Appellant: Tenor Wines, LLC
represented by **Andrew Lane**
Cairncross & Hempelmann
524 Second Avenue Suite 500
Seattle, WA 98104
Telephone: (206) 587-0700
Email: alane@cairncross.com

King County: Department of Local Services
represented by **Lena Madden**
Prosecuting Attorney's Office
King County Courthouse
516 Third Avenue Room W400
Seattle, WA 98104
Telephone: (206) 477-1120
Email: Lena.Madden@kingcounty.gov

Today's case arose when, in two April appeals involving the denial of adult beverage business licenses to Cougar Crest and Cave B (for ease of reference, "Cougar"), we discovered that Local Services had been sending out denials that erroneously listed a seven-day appeal period, rather

than the actual 24-day period. At a May prehearing conference, we probed Local Services on how to address that. Local Services responded by reissuing those denials that cut short the appeal window. Today's appeal, and two others, followed.

Cougar is ably represented by Duana Kolousková of Johns Monroe Mitsunaga Kolousková, Local Services by Lena Madden, and intervenors (Friends of Sammamish, Hollywood Hill Association, and Michael Tanksley) by Peter Eglick.

Cougar raised many of the same issues that Appellant here does, including last week filing a motion on the threshold issue of whether RCW 66.08.120 preempts the County from requiring a liquor license. (Documents available at [Cougar Crest Estate Winery, Stephen and Sherri Lee BUSL200009 and Cave B. LLC dba Cave B Estates Winery, Scrivanich BUSL200029](#)). The County's and Intervenors' responses on the preemption question are due by August 17, with Cougar's reply due August 31. We will post those when they come in.

It seems tremendously inefficient to have parallel beverage license litigations going at one time, not only between the County and a license applicant, but (we expect) on another petition from Intervenors to become a party.

It appears the wisest approach is to STAY this and the other more recent beverage-related appeals, maintaining the status quo for the businesses while we try to sort out some issues. That seems especially beneficial given the ongoing litigation over Ordinance 19030, along with a beverage-related ordinance working its way through the Council, either of which might impact the controlling legal standard. In addition, because there is a continuing moratorium the County could not accept the permit applications the County has noted would be required under the zoning code.

Cougar obviously will not resolve all the issues (legal and factual) in today's case. But, unless anyone can present a better approach to efficiently deal with these cases, pausing the recent appeals and keeping the status quo, at least for now, seems the wisest first step.

DATED July 27, 2022.



David Spohr
Hearing Examiner

DS/lo

July 27, 2022

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **BUSL200016**

TENOR WINES, LLC
Code Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **CONDITIONAL ORDER OF STAY** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED July 27, 2022.



Lauren Olson
Legislative Secretary

Beckham, Kristi

Cairncross & Hempelmann
Hardcopy

Clauss, Warren

Department of Local Services

Glover, Serena

Friends of Sammamish Valley
Hardcopy

Lane, Andrew

Cairncross & Hempelmann
Hardcopy

Madden, Lena

Prosecuting Attorney's Office

Otis, Cliff

Tenor Wines, LLC
Hardcopy

Peterson, Ty

Department of Local Services

Tenor Wines, LLC

Webster, Sara

Cairncross & Hempelmann
Hardcopy

Winery, Mathews

Tenor Wines, LLC
Hardcopy