

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. 22,737

STATE STREET DEPOT BAR & GRILL
1327 N. STATE STREET
BELLINGHAM, WA 98225

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT
~~[PROPOSED]~~

LICENSEE

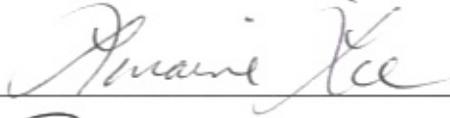
LICENSE NO. 086785

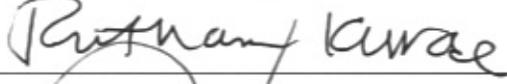
The above-titled matter having come before the Board upon a Stipulated Settlement Agreement between the Enforcement Division of the Washington State Liquor Control Board and the Licensee, and the Board having reviewed the Stipulated Settlement Agreement:

IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case Number 22, 737 is approved.

DATED this 5th day of September, 2007.

WASHINGTON STATE LIQUOR CONTROL BOARD







1
2 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

3 IN THE MATTER OF:

LCB NO. 22,737

4 STATE STREET DEPOT BAR & GRILL
5 1327 N. STATE STREET
6 BELLINGHAM, WA 98225

STIPULATED SETTLEMENT
AGREEMENT

LICENSEE

7 LICENSE NO. 086785

8 The Washington State Liquor Control Board Education and Enforcement Division
9 (“Enforcement”) represented by its attorneys ROBERT M. MCKENNA, Attorney General and
10 KATE REYNOLDS, Assistant Attorney General and the Licensee, State Street Depot, LLC
11 d/b/a State Street Depot & Grill (“Licensee”), represented by Michael J. Tario of Tario &
12 Associates, P.S., hereby enter into this stipulated settlement agreement for Liquor Control
13 Board Case Number 22,737.

14 **I. INTRODUCTION**

15 The Washington State Liquor Control Board charged the above-named Licensee in its
16 Complaint dated April 5, 2007, with the following violation of the Washington State Liquor
17 Act:

18 On or about January 19, 2007, the Licensee and/or employee(s) thereof permitted a
19 person apparently under the influence of liquor to physically possess liquor on the licensed
20 premise in violation of WAC 314-16-150.

21 Enforcement and the Licensee wish to enter into a settlement agreement concerning the
22 above-referenced Complaint.

23 **II. AGREEMENT OF THE PARTIES**

24 Enforcement and the Licensee agree to the following:

25 1. Enforcement and the Licensee enter into this agreement to avoid the time and
26 expense of further litigation. The Licensee explicitly waives the right of further administrative

1 review of all matters related to this violation. The Licensee hereby voluntarily withdraws its
2 request for a hearing on the matter.

3 2. The Licensee admits to the violation set forth in the above-referenced
4 Complaint. On January 19, 2007, the Licensee and/or employee(s) thereof permitted a person
5 apparently under the influence of liquor to physically possess liquor on the licensed premises.

6 3. The parties agree that as a second violation for permitting a person apparently
7 under the influence of liquor to physically possess liquor on the licensed premises, the standard
8 penalty is a 5-day suspension of the Licensee's liquor license or a monetary option of
9 \$2,500.00.

10 4. The Licensee's liquor license expired on July 31, 2007, and the Licensee has
11 ceased all operation of its business.

12 5. The parties agree that the standard penalty shall be imposed against the
13 Licensee. However, based on the cessation of the Licensee's business the standard penalty
14 shall be suspended for a period of two (2) years from the date of the Final Order of the Board.
15 Should the Licensee renew its liquor license or apply for a new liquor license within the two-
16 year period, the Licensee shall serve the suspension set forth above upon issuance or renewal
17 of the liquor license or pay the monetary penalty set forth above prior to issuance or renewal of
18 the liquor license.

19 6. The parties recognize that this settlement agreement is subject to approval by
20 the Washington State Liquor Control Board.

21 STIPULATED AND AGREED this 22 day of August 2007.

22 ROBERT M. MCKENNA
23 Attorney General

24 K. Reynolds
25 KATE REYNOLDS, WSBA #34498
26 Assistant Attorney General
Attorneys for Washington State Liquor
Control Board
Education and Enforcement Division

Michael J. Tario
MICHAEL J. TARIO, WSBA #10845
Attorney for Licensee

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



BENJAMIN J. GILMER
Licensee/Owner of State Street Depot LLC
d/b/a State Street Depot Bar & Grill