BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: RICHARD MONTOYA d.b.a. SENOR FROGS 112 WOODIN AVE CHELAN, WA 98816 LICENSEE LICENSE NO. 354702	LCB NO's. 22,758; 22,775; 22,776 FINAL ORDER OF THE BOARD APPROVING STIPULATED SETTLEMENT AGREEMENT ~~[PROPOSED]~~

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 Numbers 22,758; 22,775; 22,776 is approved.

DATED this 17th day of January, 2008.

WASHINGTON STATE LIQUOR CONTROL BOARD

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: RICHARD MONTOYA d.b.a. SENOR FROGS 112 WOODIN AVE CHELAN, WA 98816 LICENSEE LICENSE NO. 354702	LCB NO's. 22,758; 22,775; 22,776 STIPULATED SETTLEMENT AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division ("Enforcement") represented by its attorneys ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General and the Licensee, RICHARD MONTOYA d.b.a. SENOR FROGS ("Licensee"), hereby enter into this stipulated settlement agreement for Liquor Control Board Case Numbers 22,758, 22,775, and 22,776.

I. INTRODUCTION

The Washington State Liquor Control Board charged the above-named Licensee, in three separate AVN's, with the following violations of the Washington State Liquor Act and Liquor Control Board Rules:

1. AVN No. 4B7103A, issued on April 18, 2007: On or about April 13, 2007, the Licensee and/or employee(s) thereof, permitted a person apparently under the influence of liquor to physically possess liquor on the licensed premise in violation of WAC 314-16-150(2).

2. AVN No. 4W7184A, issued on July 17, 2007: On or about July 1, 2007, the Licensee and/or employee(s) thereof, permitted persons under the age of twenty one to frequent the licensed premise in violation of RCW 66.44.310(1)(a) and WAC 314-11-020(2).

3. AVN No. 4S7194A, issued on July 17, 2007: On or about July 13, 2007 the Licensee and/or employee(s) thereof, permitted a person under the age of twenty one to frequent the licensed premise and to consume alcohol in violation of RCW 66.44.310(1)(a),

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RCW 66.44.270(1), WAC 314-11-020(2) and WAC 314-16-150(1).

Enforcement and the Licensee wish to enter into a settlement agreement concerning the above-referenced AVN's.

II. AGREEMENT OF THE PARTIES

Enforcement and the Licensee agree to the following:

1. Enforcement and the Licensee enter into this agreement to avoid the time and expense of further litigation. The Licensee explicitly waives the right of further administrative review of all matters related to the above-referenced AVN's. The Licensee hereby voluntarily withdraws its requests for hearings on the three above-referenced AVN's.

2. The Licensee admits to the violations set forth in the above-referenced AVN's.

a. The Licensee admits that on or about April 13, 2007, the Licensee and/or employee(s) thereof, permitted a person apparently under the influence of liquor to physically possess liquor on the licensed premise in violation of WAC 314-16-150(2).

b. The Licensee admits that on or about July 1, 2007, the Licensee and/or employee(s) thereof, permitted persons under the age of twenty one to frequent the licensed premise in violation of RCW 66.44.310(1)(a) and WAC 314-11-020(2).

c. The Licensee admits that on or about July 13, 2007 the Licensee and/or employee(s) thereof, permitted a person under the age of twenty one to frequent the licensed premise, and to consume alcohol, in violation of RCW 66.44.310(1)(a), RCW 66.44.270(1), WAC 314-11-020(2) and WAC 314-16-150(1).

3. The Licensee agrees to pay a total monetary penalty of four thousand one hundred dollars ($4,100) for the above-referenced AVN's and violations charged therein. This amount shall be paid within thirty (30) days of the date of the final order of the Washington State Liquor Control Board. Payment shall be made to the Washington State Liquor Control Board no later than 4:00 p.m. on the applicable date. The monetary fines were calculated as follows:

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a. The Licensee shall pay a monetary penalty of three hundred dollars ($300) for the first-violation, in a two year period, of permitting a person apparently under the influence of liquor to physically possess liquor on the licensed premise in violation of WAC 314-16-150(2).

b. The Licensee shall pay a monetary penalty of three hundred dollars ($300) for the first-violation, in a two year period, of permitting a person under the age of twenty one to frequent the licensed premise in violation of RCW 66.44.310(1)(a) and WAC 314-11-020(2).

c. The Licensee shall pay a monetary penalty of three thousand five hundred dollars ($3,500) for the second-violation, in a two year period, of permitting a person under the age of twenty one to frequent the licensed premise, and consume alcohol, in violation of RCW 66.44.310(1)(a), RCW 66.44.270(1), WAC 314-11-020(2) and WAC 314-16-150(1).

4. In the event that the Licensee does not make a timely payment, as required by Section II, Paragraph 3, the Licensee shall serve a seventeen (17) day suspension of its liquor license, pursuant to WAC 314-29-020; the dates and time of which shall be set by the Washington State Liquor Control Board.

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

STIPULATED AND AGREED this 2nd day of January 2008.

ROBERT M. MCKENNA
Attorney General

GORDON KARG, WSBA #37178
Assistant Attorney General
Attorneys for Washington State Liquor Control Board
Education and Enforcement Division

RICHARD MONTOYA
Licensee/Owner of SENOR FROGS

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