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

3
4 IN THE MATTER OF:

5 TIMOTHY AND KELI HERZOG
6 HANDY MART GROCERY-DELI
7 402 TACOMA AVENUE, SOUTH
8 TACOMA, WA 98402-5400

9 LICENSEE

10 LICENSE NO. 364190

LCB NO. 22,778

FINAL ORDER

~~{PROPOSED}~~

11 THIS MATTER having come before the Washington State Liquor Control Board
12 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
13 having been represented by its attorneys ROBERT M. MCKENNA, Attorney General and
14 THEODORE M. MILLER, Assistant Attorney General and the Licensee, Timothy and Keli
15 Herzog, d/b/a Handy Mart Grocery-Deli ("Licensee") of Tacoma, WA, and the parties having
16 voluntarily entered into a stipulated settlement agreement for Liquor Control Board case
17 number 22,778, arising from Administrative Violation Notice 2X7208B, and the Board having
18 considered the stipulated settlement agreement and the file materials maintained in this case,
19 now therefore:

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1 IT IS HEREBY ORDERED that the allegations set forth in Administrative Violation
2 Notice 2X7208B are sustained and the Licensees shall serve a four (4) day suspension of the
3 Licensee's Liquor License, the dates and time of which shall be set by the Washington State
4 Liquor Control Board.

5 DATED this 14th day of February, 2008.

6 WASHINGTON STATE LIQUOR CONTROL BOARD
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LCB NO. 22,778

4 TIMOTHY AND KELI HERZOG
5 HANDY MART GROCERY-DELI
6 402 TACOMA AVENUE, SOUTH
TACOMA, WA 98402-5400

STIPULATED SETTLEMENT
AGREEMENT

7 LICENSEE

8 LICENSE NO. 364190

9 The Washington State Liquor Control Board Education and Enforcement Division
10 (“Enforcement”) represented by its attorneys ROBERT M. MCKENNA, Attorney General and
11 THEODORE M. MILLER, Assistant Attorney General and the Licensee, Timothy and Keli
12 Herzog, d/b/a Handy Mart Grocery-Deli (“Licensee”), hereby enter into this stipulated
13 settlement agreement for Liquor Control Board Case Numbers 22,778.

14 **I. INTRODUCTION**

15 The Washington State Liquor Control Board charged the above-named Licensee in its
16 Complaint dated January 23, 2008, with the following violation of the Washington State
17 Liquor Act:

18 On or about July 27, 2007, the licensee and/or employee(s) thereof, did sell, give,
19 or otherwise supply liquor to a person under the age of 21 years, contrary to RCW
20 66.44.270 and 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 violations in the above-referenced complaint, that is,
4 that on or about July 27, 2007, the licensee and/or employee(s) thereof, did sell, give, or
5 otherwise supply liquor to a person under the age of 21 years, contrary to RCW 66.44.270 and
6 WAC 314-16-150.

7 3. The parties agree that as a second violation for supplying liquor to a person
8 under twenty-one (21) years of age, the standard penalty is a seven (7) day suspension of the
9 Licensee's liquor license.

10 4. For this second violation sale of alcohol to a minor, the Licensee agrees to a
11 penalty of a four (4) days suspension of the Licensee's liquor license. The suspension shall
12 occur on dates set by the Board in its Final Order.

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

15 6. This agreement constitutes the final written expression of all the terms of this
16 agreement and is a complete and exclusive statement of these terms.

17 STIPULATED AND AGREED this 30 day of January, 2008.

18 ROBERT M. MCKENNA
19 Attorney General

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21 THEODORE M. MILLER, WSBA #39069
22 Assistant Attorney General
23 Attorneys for
24 Washington State Liquor Control Board
25 Education and Enforcement Division
26


TIMOTHY HERZOG
Owner of Handy Mart Grocery-Deli,



Washington State
Liquor Control Board

February 14, 2008

TIMOTHY AND KELI HERZOG
HANDY MART GROCERY-DELI
402 TACOMA AVENUE, SOUTH
TACOMA, WA 98402-5400

TED MILLER
ASSISTANT ATTORNEY GENERAL
GCE DIVISION, OFFICE OF THE ATTORNEY GENERAL
1125 WASHINGTON STREET SE
PO BOX 40100
OLYMPIA, WA 98504-0100

RE: FINAL ORDER

Licensee: TIMOTHY AND KELI HARZOG

Trade name: HANDY MART GROCERY-DELI

License No. 364190

LCB Hearing No. 22,778

AVN: 2X7208B

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Final Order in the above referenced matter, as well as a copy of the Stipulated Settlement Agreement.

The stipulated four (4) day suspension will take place from 10:00am on Friday, February 29, 2008 until 10:00am on Tuesday, March 4, 2008.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in blue ink that reads 'Kevin McCarroll'.

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Tacoma Enforcement and Education Division

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WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 22,778

TIMOTHY AND KELI HERZOG
HANDY MART GROCERY-DELI
402 TACOMA AVENUE, SOUTH
TACOMA, WA 98402-5400

DECLARATION OF SERVICE BY
MAIL

LICENSEE

LICENSE NO. 364190

I declare under penalty of perjury under the laws of the state of Washington that on February 14, 2008, I served a true and correct copy of the FINAL ORDER in the above-referenced matter, by placing a copy of said documents in the U.S. mail, postage prepaid, to all parties or their counsel of record.

DATED this 14th day of February, 2008, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

TIMOTHY AND KELI HARZOG
HANDY MART GROCERY-DELI
402 TACOMA AVENUE, SOUTH
TACOMA, WA 98402-5400

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