

ORIGINAL

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 22,786

NICK MOOMAW
151 VIEWDAL
WENATCHEE, WA 98801

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

MAST PERMIT HOLDER

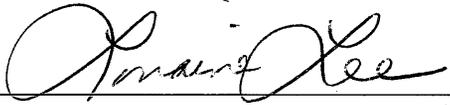
MAST PERMIT NO. 120 239 754

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 MAST Permit Holder, and the Board having reviewed the attached Stipulated Settlement Agreement:

IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case Number 22,786 is approved. Accordingly, MAST Permit privileges granted to NICK MOOMAW, permit number 120 239 754, are hereby suspended for a term of five (5) days; effective from 10 a.m. on March 20, 2008, until 10 a.m. on March 25, 2008. Failure to comply with the terms of this order shall result in further disciplinary action.

DATED this 25th day of February, 2008.

WASHINGTON STATE LIQUOR CONTROL BOARD







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8 IN THE MATTER OF:

LCB NO. 22,786

9 NICK MOOMAW
10 151 VIEWDALE
WENATCHEE, WA 98801

STIPULATED SETTLEMENT
AGREEMENT

11 MAST PERMIT HOLDER

12 MAST PERMIT NO. 120 239 754

13 The Washington State Liquor Control Board Education and Enforcement Division
14 (“Enforcement”) represented by its attorneys ROBERT M. MCKENNA, Attorney General and
15 GORDON P. KARG, Assistant Attorney General and the MAST Permit Holder, NICK
16 MOOMAW (“Permit Holder”), represented by PAUL J. CASSEL, hereby enter into this
17 stipulated settlement agreement for Liquor Control Board Case Number 22,786.

18 **I. INTRODUCTION**

19 The Washington State Liquor Control Board charged the above-named Permit Holder
20 in its Complaint dated November 7, 2007, with the following violation of the Washington State
21 Liquor Act:

22 That on or about August 25, 2007 the above-named Permit Holder, allowed or
23 permitted an apparently intoxicated person(s) to consume and/or possess alcohol on a licensed
24 premises, contrary to WAC 314-16-150.

25 Enforcement and the Permit Holder wish to enter into a settlement agreement
26 concerning the above-referenced Complaint.

STIPULATED SETTLEMENT
AGREEMENT

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ORIGINAL

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

1 **II. AGREEMENT OF THE PARTIES**

2 Enforcement and the Permit Holder agree to the following:

3 1. Enforcement and the Permit Holder enter into this agreement to avoid the time
4 and expense of further litigation. The Permit Holder explicitly waives the right of further
5 administrative review of all matters related to this violation. The Permit Holder hereby
6 voluntarily withdraws his request for a hearing on the matter.

7 2. The Permit Holder admits to the violation set forth in the above-referenced
8 Complaint. On August 25, 2007 the above-named Permit Holder, allowed or permitted an
9 apparently intoxicated person(s) to consume and/or possess alcohol on a licensed premises,
10 contrary to WAC 314-16-150.

11 3. The parties agree that as a first violation for permitting a person apparently
12 under the influence of liquor to physically possess liquor on the licensed premises, the standard
13 penalty is a 5-day suspension of the Permit Holder's MAST permit or a monetary option of
14 \$100.

15 4. The parties agree that the standard penalty of a 5-day suspension of the MAST
16 permit shall be imposed against the Permit Holder effective upon the dates indicated by the
17 Washington State Liquor Control Board in its final order in LCB Case No. 22,786, approving
18 this stipulated settlement agreement.

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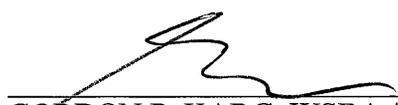
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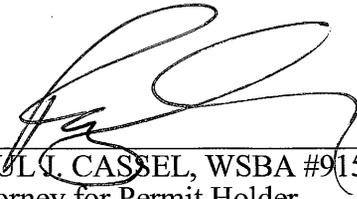
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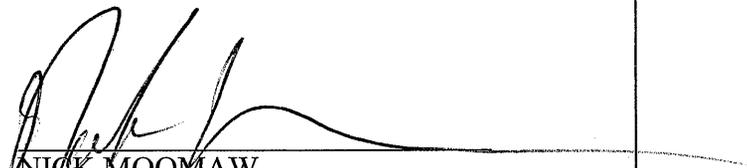
1 5. The parties recognize that this settlement agreement is subject to approval by
2 the Washington State Liquor Control Board.

3 STIPULATED AND AGREED this 28 day of November 2007.

4 ROBERT M. MCKENNA
5 Attorney General

6 
7 _____
8 GORDON P. KARG, WSBA #37178
9 Assistant Attorney General
10 Attorneys for Washington State
11 Liquor Control Board Education and
12 Enforcement Division

13 
14 _____
15 PAUL J. CASSEL, WSBA #9155
16 Attorney for Permit Holder

17 
18 _____
19 NICK MOOMAW
20 Permit Holder