

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:

TESFAMICAEL G. GHEBREHIWOT
16th AVENUE GROCERY
9001 16th AVENUE SW
SEATTLE, WA 98106-2355

LICENSE APPLICANT

LICENSE NO. 087138

OAH NO. 22,787

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

The above-captioned matter having come before the Board upon a Stipulated Settlement Agreement between the Licensing and Regulation Division of the Washington State Liquor Control Board (Board) and Tesfamicael Ghebrehiwot (Applicant), and the Board having reviewed the Stipulated Settlement Agreement:

IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case No. 22,787 is approved, and that License No. 087138 is hereby issued to the Applicant, subject to the following condition:

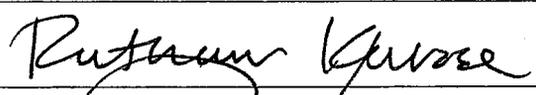
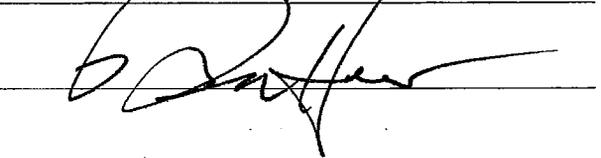
The Applicant shall be granted a restricted grocery store liquor licensing authorizing only the sale of beer and table wine. The Applicant shall not sell "strong beer" (as defined in RCW 66.24.010(26)) or "fortified wine" (as defined in RCW 66.24.010(41)(a)).

///
///
///

1 Violation of this restriction may subject the Applicant to enforcement action by the Board's
2 Enforcement Division and to sanctions including monetary penalties, license suspension,
3 license revocation or license cancellation.

4
5 DATED this 30th day of April, 2008.

6 WASHINGTON STATE LIQUOR CONTROL BOARD

7
8
9 
10
11 
12
13
14
15
16
17
18
19

20 Approved as to form and Notice of Presentation waived:

21 
22

23 David Ruzumna, WSBA #27094
24 Carly Cozine Hansen, WSBA #37809
25 Attorneys for the Applicant
26

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:

TESFAMICAEL G. GHEBREHIWOT
16th AVENUE GROCERY
9001 16th AVENUE SW
SEATTLE, WA 98106-2355

APPLICANT

LICENSE NO. 087138

LCB NO. 22,787

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board Licensing and Regulation Division ("Licensing") represented by its attorneys ROBERT M. MCKENNA, Attorney General and THEODORE M. MILLER, Assistant Attorney General and the Licensee, TEFAMICAEL G. GHEBREHIWOT, d/b/a 16th AVENUE GROCERY ("Applicant") represented by its attorneys, DAVID RUZUMNA, and CARLY HANSEN, of the Law Office of David Ruzumna, PLLC, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board Case No. 22,787.

I. INTRODUCTION

On or about September 5, 2007, the Washington State Liquor Control Board notified the Applicant of its intent not to grant the Applicant a liquor license. The Applicant timely sought an administrative hearing to contest this initial decision.

However, Licensing and the Applicant wish to enter into a stipulated settlement agreement concerning the above-referenced denial.

STIPULATED SETTLEMENT
AGREEMENT

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 Licensing and the Applicant agree to the following:

3 1. Licensing and the Applicant enter into this agreement to avoid the time, risk,
4 and expense of further litigation. In consideration of the mutual promises contained herein, the
5 Parties agree as follows:

6 2. The Parties agree that upon execution of this Agreement by the undersigned
7 attorneys, the Parties will stipulate to a continuance of the Administrative Hearing which is
8 currently set to commence on April 28, 2008. Said continuance shall, subject to the
9 availability of the Office of Administrative Hearings, be for a period of approximately thirty
10 (30) days.

11 3. Licensing agrees, upon approval of this settlement agreement by the Board, to
12 draft a letter, for placement in Applicant's file, clarifying that: the September 5, 2007 letter
13 from Sharon Hendricks should have conveyed the Board's intent to deny the Applicant's liquor
14 license, rather than denial of the application; the letter did not result in an actual denial of the
15 application; and the approval of the restricted license acts as a withdrawal of the Board's intent
16 to deny the application. Licensing further agrees to provide a copy of the letter to Applicant's
17 attorney prior to finalization and to place the final letter in Applicant's file no later than fifteen
18 (15) business days of the date following the Board's action on this matter.

19 4. Licensing agrees to promptly present this agreement to the Board for its
20 consideration, and shall recommend approval of this Agreement and shall recommend issuance
21 of a License in accordance with this Agreement, and shall use its best efforts to ensure that a
22 license is issued within 30 days of the date of this Agreement. The license that Licensing will
23 recommend is issued shall be a Restricted License to sell beer and wine at Applicant's present
24 location (9001 16th Avenue SW, Seattle, WA 98106), subject to the limitations set forth below.
25 The fee required by RCW 66.24.360(2) shall be waived (or the fee previously paid by
26 Applicant shall be applied to the license issued pursuant to this Agreement).

STIPULATED SETTLEMENT
AGREEMENT

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



1 5. For purposes of this settlement agreement, the Applicant consents to the
2 issuance of a restricted grocery store liquor license authorizing the sale of beer and table wine
3 as provided for in RCW 66.24.360. Pursuant to RCW 66.24.360, the Applicant will be
4 prohibited from selling "strong beer" (as defined in RCW 66.24.010(26)) and "fortified wine"
5 (as defined in RCW 66.24.010(41)(a)). The Applicant's renewal of this restricted grocery store
6 liquor license shall be done in accordance with the provisions of RCW 66.24.360.

7 6. Nothing in this Agreement is intended, nor should it be construed, to prohibit
8 Applicant from applying for a license which is not subject to the restrictions stated in ¶5 above,
9 *provided, however*, that Applicant shall not seek to have the restrictions contained in ¶5 above
10 removed until after one year following the date that the restricted license is issued. This ¶6
11 shall not *require* Licensing to issue such a license.

12 7. This agreement constitutes the final written expression of all the terms of this
13 agreement and is a complete and exclusive statement of these terms.

14 8. The Parties agree to cooperate with one another in executing such other and
15 further documents as may be reasonably necessary to carry out the intent of this Agreement,
16 including (without limitation):

- 17 8.1 executing a document continuing the date of the administrative hearing,
18 8.2 executing such documents as may be necessary for the Board to issue
19 a license as described above within thirty days of the date of this
20 Agreement; and
21 8.2 executing any documents necessary for Applicant to withdraw his
22 request for an administrative hearing in accordance with ¶10 below.

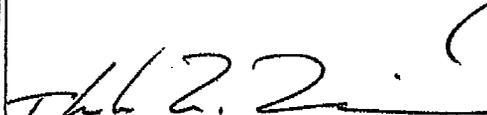
23 9. The parties recognize that this settlement agreement is subject to approval by
24 the Washington State Liquor Control Board.

1 10. Upon approval by the Washington State Liquor Control Board, Applicant shall
2 withdraw his request for an administrative hearing, and shall notify the Office of
3 Administrative Hearings accordingly.

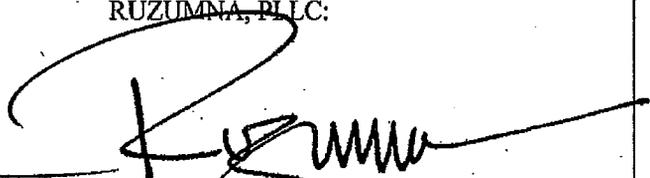
4 STIPULATED AND AGREED this 24th day of April, 2008.

8 ROBERT M. MCKENNA
9 Attorney General

LAW OFFICE OF DAVID
RUZUMNA, PLLC:

10
11 

12 THEODORE M. MILLER, WSBA #39069
13 Assistant Attorney General
14 Attorneys for Washington State
15 Liquor Control Board Education and
16 Enforcement Division



17 DAVID RUZUMNA, WSBA #27094
18 CARLY COZINE HANSEN, WSBA #37809
19 Attorneys for Applicant 16th Avenue Grocery

15
16
17
18
19
20
21
22
23
24
25
26

1
2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 22,787

5 TESHAMICHAEL G. GHEBREHIWOT
6 16TH AVENUE GROCERY
7 9001 16TH AVENUE SW
8 SEATTLE, WA 98106

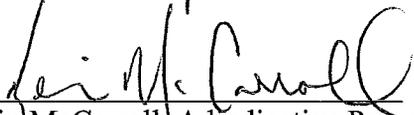
DECLARATION OF SERVICE BY
MAIL

LICENSE APPLICANT

9 LICENSE NO. 087138

10 I declare under penalty of perjury under the laws of the state of Washington that on
11 April 30, 2008, I served a true and correct copy of the FINAL ORDER OF THE BOARD
12 APPROVING STIPULATED SETTLEMENT AGREEMENT in the above-referenced matter,
13 by placing a copy of said documents in the U.S. mail, postage prepaid, to all parties or their
14 counsel of record.

15 DATED this 30th day of April, 2008, at Olympia, Washington.

16
17 
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19 DAVID RUZUMNA
20 ATTORNEY FOR LICENSEE
21 1411 FOURTH AVENUE STE 1510
22 SEATTLE, WA 98101-2247

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

23
24
25
26
DECLARATION OF SERVICE BY
MAIL

1

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602