

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

THE HORSESHOE INC
d/b/a HORSESHOE CAFÉ
113 E HOLLY STREET
BELLINGHAM, WA 98225-4718

LICENSEE

LICENSE NO. 355757
AVN 3B7152A

LCB NO. 22,789

FINAL ORDER OF THE BOARD

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division having been represented by its attorneys, ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, THE HORSESHOE, INC, d/b/a HORSESHOE CAFÉ (Licensee), represented by WILLIAM KNUDSEN, attorney for Licensee, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board case No. 22,789 (AVN No. 3B7152A), and the Board having considered the stipulated settlement agreement and Enforcement's Memorandum recommending acceptance of the stipulated settlement agreement, and the Board having had the opportunity to review the file materials maintained in this case, now therefore,

IT IS HEREBY ORDERED that the violation set forth in the Complaint dated August 6, 2008, based on 3B7152A, is sustained.

IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of five thousand dollars (\$5,000.00) in five (5) installments of: (1) one thousand dollars (\$1,000) by December 1, 2009; (2) one thousand dollars (\$1,000) by January 4, 2010; (3) one thousand dollars (\$1,000) by February 1, 2010; (4) one thousand dollars (\$1,000) by March 1, 2010; and (5) one thousand dollars (\$1,000) by April 1, 2010. Payment shall be sent to:

Washington State Liquor Control Board
Enforcement and Education Division
P.O. Box 43085
Olympia, WA 98504-3085

In the event the Licensee fails to make full and timely payment of the monetary penalty, the Licensee shall serve a ten (10) day suspension of its liquor license beginning at 10:00 am on April 16, 2010 until 10:00 am April 26, 2010.

DATED this 23 day of November, 2009.

WASHINGTON STATE LIQUOR CONTROL BOARD





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

8 IN THE MATTER OF:

LCB NO. 22,789

9 THE HORSESHOE, INC. d/b/a
10 HORSESHOE CAFÉ

STIPULATED SETTLEMENT
AGREEMENT

11 113 E HOLLY STREET
BELLINGHAM, WA 98225-4718

12 LICENSEE

13 LICENSE NO. 355757
14 AVN No. 3B7152A

15 The Washington State Liquor Control Board (LCB) Education and Enforcement
16 Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney
17 General and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, THE
18 HORSESHOE, INC. d/b/a HORSESHOE CAFÉ (Licensee), represented by WILLIAM
19 KNUDSEN, attorney for Licensee, hereby enter into this stipulation and settlement agreement
20 for LCB case No. 22,789.

21 **INTRODUCTION**

22 1. The Washington State Liquor Control Board, by Complaint dated August 6,
23 2008, alleged that the Licensee, or an employee(s) thereof: 1) did supply liquor to Amanda
24 Littrell, a person apparently under the influence of liquor, or did allow Amanda Littrell, a
25 person apparently under the influence of liquor, to possess and/or consume liquor on the
26 licensed premises, contrary to RCW 66.44.200 and WAC 314-16-150; and 2) did supply liquor

1 to Damian Mackay, a person apparently under the influence of liquor, or did allow Damian
2 Mackay, a person apparently under the influence of liquor, to possess and/or consume liquor
3 on the licensed premises, contrary to RCW 66.44.200 and WAC 314-16-150. The Complaint
4 alleges that all of the relevant acts occurred on or about and during the period intervening June
5 1, 2007, and June 2, 2007.

6 2. Enforcement and the Licensee wish to enter into a settlement agreement
7 concerning the above-referenced Complaint.

8 **I. AGREEMENT OF THE PARTIES**

9 Enforcement and the Licensee agree to the following:

10 1. Enforcement and the Licensee enter into this agreement to avoid the time and
11 expense of further litigation.

12 2. The Licensee explicitly waives the right of further administrative review of all
13 matters related to the above-referenced Complaint. The Licensee hereby voluntarily withdraws
14 its request for a hearing on this matter.

15 3. This settlement agreement constitutes the final written expression of all the
16 terms of this agreement and is a complete and exclusive statement of these terms, and shall be
17 effective when signed by all parties and/or their legal representatives.

18 4. The Licensee disputes the truth of the allegations contained in the Complaint.
19 However, in order to take advantage of Enforcement's offer of settlement, to avoid legal
20 expenses attendant with further proceedings, and in recognition of the fact that if this matter
21 were to proceed to a hearing, there is a risk to the Licensee that an administrative proceeding
22 would result in the conclusion that on or about and during June 1, 2007, and June 2, 2007, the
23 Licensee, or an employee thereof: 1) did supply liquor to Amanda Littrell, a person apparently
24 under the influence of liquor, or did allow Amanda Littrell, a person apparently under the
25 influence of liquor, to possess and/or consume liquor on the licensed premises, contrary to
26 RCW 66.44.200 and WAC 314-16-150; and 2) did supply liquor to Damian Mackay, a person

1 | apparently under the influence of liquor, or did allow Damian Mackay, a person apparently
2 | under the influence of liquor, to possess and/or consume liquor on the licensed premises,
3 | contrary to RCW 66.44.200 and WAC 314-16-150. Based on this settlement agreement, the
4 | parties acknowledge that the Washington State Liquor Control Board will consider that the
5 | violation set forth in the Complaint, as specified in this paragraph, has been sustained and will
6 | become a part of the Licensee's violation record.

7 | 5. Pursuant to this settlement, the parties agree to imposition of a monetary penalty
8 | of five thousand dollars (\$5,000.00), The monetary penalty will be paid in five (5) installments
9 | of: (1) one thousand dollars (\$1,000) by December 1, 2009; (2) one thousand dollars (\$1,000)
10 | by January 4, 2010; (3) one thousand dollars (\$1,000) by February 1, 2010; (4) one thousand
11 | dollars (\$1,000) by March 1, 2010; and (5) one thousand dollars (\$1000) by April 1, 2010.

12 | Payment must be sent to:

13 | Washington State Liquor Control Board
14 | P.O. Box 43085
15 | Olympia, WA 98504-3085

16 | 6. In the event that the Licensee does not make full and timely payment of the
17 | monetary penalty as required in Section II, Paragraph 5, then the Licensee shall serve a ten (10)
18 | day suspension of its liquor license, the dates and time of which shall be set by the Washington
19 | State Liquor Control Board.

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

22 | 8. This agreement constitutes the final written expression of all the terms of this
23 | agreement and is a complete and exclusive statement of these terms.

24 | ///

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1 9. The undersigned parties declare that the terms of this Settlement Agreement are
2 completely read, wholly understood, and voluntarily accepted for the purpose
3 of making a full and final compromise and settlement of any and all violations arising from the
4 above-referenced Complaint.

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6 ROBERT M. MCKENNA
Attorney General

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9 BRIAN J. CONSIDINE WSBA #39517
Assistant Attorney General
Attorneys for LCB Enforcement

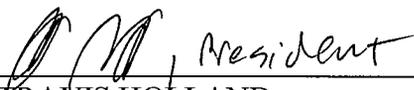
11/17/09

DATE

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11 
12 WILLIAM KNUDSEN, WSBA #6064
Attorney for Licensee

11/9/09

DATE

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14 
15 TRAVIS HOLLAND
The Horseshoe, Inc. d/b/a
Horseshoe Café, Licensee

11/9/2009

DATE



Washington State
Liquor Control Board

November 24, 2009

Bill Knudsen, Attorney for Licensee
119 N Commercial St Ste 1410
Bellingham, WA 98225-4450

Travis Holland
The Horseshoe, Inc., Licensee
d/b/a Horseshoe Cafe
113 Holly St E
Bellingham, WA 98225-4718

Brian Considine, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: FINAL ORDER OF THE BOARD
ADMINISTRATIVE VIOLATION NOTICE NO. 3B7152A
LICENSEE: The Horseshoe, Inc.
TRADENAME: Horseshoe Cafe
LOCATION: 113 Holly St E, Bellingham, WA 98225
LICENSE NO. 355757
LCB HEARING NO. 22,789

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.

When you are sending in payment, please send it to the mailing address listed in the Final Order and label the check with your License and Administrative Violation Notice numbers listed above. **The check for your first payment is being forwarded from the Attorney General's Office at this time.**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Pat Parmer, Chief, Enforcement and Education Division, WSLCB
Bellingham Office, Enforcement and Education Division, WSLCB
PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602
www.liq.wa.gov

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NOS. 22,789

THE HORSESHOE, INC
d/b/a HORSESHOE CAFE
113 HOLLY ST E
BELLINGHAM, WA 98225-4718

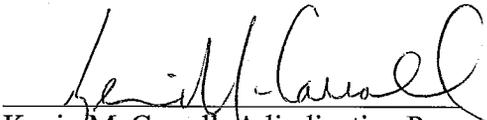
DECLARATION OF SERVICE BY
MAIL

LICENSEE

LICENSE NO. 355757

I declare under penalty of perjury under the laws of the state of Washington that on November 24, 2009, I served a true and correct copy of the FINAL ORDER OF THE BOARD 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 24th day of November, 2009, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

BILL KNUDSEN, ATTORNEY FOR
LICENSEE
119 N COMMERCIAL ST STE 1410
BELLINGHAM, WA 98225-4450

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

TRAVIS HOLLAND
THE HORSESHOE, INC., LICENSEE
d/b/a HORSESHOE CAFE
113 HOLLY ST E
BELLINGHAM, WA 98225-4718