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

7 IN THE MATTER OF:

LCB NO. 22,790

8 LORD CORNWALL RESTAURANT,
9 INC. d/b/a DOWNTOWN JOHNNY'S
RESTAURANT & NIGHT CLUB

FINAL ORDER OF THE BOARD

~~[PROPOSED]~~

10 1408 CORNWALL AVENUE
11 BELLINGHAM, WA 98225-4520

12 LICENSEE

13 LICENSE NO. 353844
AVN No. 3B7153A

14
15 THIS MATTER having come before the Washington State Liquor Control Board
16 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
17 having been represented by its attorneys, ROBERT M. MCKENNA, Attorney General and
18 BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, Lord Cornwall
19 Restaurant d/b/a Downtown Johnny's Restaurant and Night Club, represented by JEFFREY
20 THIGPEN, attorney for Licensee, and the parties having voluntarily entered into a stipulated
21 settlement agreement for Liquor Control Board case No. 22,790 (AVN No. 3B7153A), and the
22 Board having considered the stipulated settlement agreement and Enforcement's Memorandum
23 recommending acceptance of the stipulated settlement agreement, and the Board having had
24 the opportunity to review the file materials maintained in this case, now therefore

25 IT IS HEREBY ORDERED that the violation set forth in the Complaint dated May 8,
26 2008, based on 3B7153A, is sustained.

1 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of five
2 thousand dollars (\$5,000.00) in five (5) installments of: (1) one thousand dollars (\$1,000) by
3 June 29, 2009; (2) one thousand dollars (\$1,000) by July 29, 2009; (3) one thousand dollars
4 (\$1,000) by August 29, 2009; (4) one thousand dollars (\$1,000) by September 29, 2009; and
5 (5) one thousand dollars by October 29, 2009. Payment shall be sent to: Washington State
6 Liquor Control Board, PO Box 43085, Olympia, WA 98504-3085. In the event the Licensee
7 fails to make full and timely payment of the monetary penalty, the Licensee shall serve a (10)
8 day suspension of its liquor license, the dates and time of which shall be set by further order.

9 DATED this 24th day of June, 2009.

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11 WASHINGTON STATE LIQUOR CONTROL BOARD

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14 _____
15 *Ruthan Kurose*
16 _____
17 *[Signature]*
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25 LORD CORNWALL RESTAURANT, INC
26 d/b/a DOWNTOWN JOHNNY'S
LICENSE 353844
LCB NO. 22,790
AVN 3B7153A

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 22,790

LORD CORNWALL RESTAURANT,
INC. d/b/a DOWNTOWN JOHNNY'S
RESTAURANT & NIGHT CLUB

STIPULATED SETTLEMENT
AGREEMENT

1408 CORNWALL AVENUE
BELLINGHAM, WA 98225-4520

LICENSEE

LICENSE NO. 353844
AVN No. 3B7153A

The Washington State Liquor Control Board (LCB) Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, Lord Cornwall Restaurant d/b/a Downtown Johnny's Restaurant and Night Club (Licensee), represented by JEFFREY THIGPEN, attorney for Licensee, hereby enter into this stipulation and settlement agreement for LCB case No. 22,790.

INTRODUCTION

1. The Washington State Liquor Control Board, by Complaint dated May 8, 2008, alleged that the Licensee, or an employee(s) thereof: 1) did supply liquor to Amanda Littrell, a person apparently under the influence of liquor, or did allow Amanda Littrell, a person apparently under the influence of liquor, to possess and/or consume liquor on the licensed

1 premises, contrary to RCW 66.44.200 and WAC 314-16-150; and 2) did supply liquor to
2 Damian Mackay, a person apparently under the influence of liquor, or did allow Damian
3 Mackay, a person apparently under the influence of liquor, to possess and/or consume liquor
4 on the licensed premises, contrary to RCW 66.44.200 and WAC 314-16-150. The Complaint
5 alleges that all of the relevant acts occurred on or about and during the period intervening June
6 1, 2007, and June 2, 2007.

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

9 **I. AGREEMENT OF THE PARTIES**

10 Enforcement and the Licensee agree to the following:

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

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

16 3. This Agreement constitutes the final written expression of all the terms of this
17 Agreement, and it is a complete and exclusive statement of these terms.

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

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

ROBERT M. MCKENNA
Attorney General


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

6/10/09
DATE


JEFFREY A. THIGPEN, WSBA #11714
Attorney for Licensee

6-8-09
DATE


JOHN E. TSIMOURIS
Lord Cornwall Restaurant, Inc. d/b/a
Downtown Johnny's Restaurant and
Night Club, Licensee

6-8-09
DATE