Washington State
Liquor Control Board

October 5, 2009

Kenneth Timmreck
Blekt, Inc., Licensee
d/b/a Ken's Grill and Bar
PO Box 212
Ione, WA 98139-0212

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. 4P8208A
LICENSEE: Blekt, Inc.
TRADENAME: Ken's Grill and Bar
LOCATION: 312 Main Street, Ione, WA 99139
LICENSE NO. 354952
LCB HEARING NO. 22,855

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 applicable monetary penalty option is due by 5:00 pm on November 4, 2009 or suspension will take place from 10:00 am on November 13, 2009 until 10:00 am on November 16, 2009.

If you are sending in payment, please send it to the mailing address in the Stipulated Settlement Agreement and label the check with your License and Administrative Violation Notice numbers listed above. If you have any questions, please contact me at (360) 664–1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)
cc: Spokane Enforcement and Education Division, WSLCB

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: BLEKT, INC. d/b/a KEN'S GRILL AND BAR 312 Main Street Ione, WA 99139 LICENSEE. LICENSE NO. 354952 AVN NO. 4P8208A	LCB NO. 22,855 FINAL ORDER OF THE BOARD ~~[PROPOSED]~~

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, BLEKT, INC. d/b/a KEN'S GRILL AND BAR (Licensee) through its representative, KEN TIMMRECK, owner, and the parties having voluntarily entered into a stipulated settlement agreement for AVN Number 4P8208A, Case Number 22,855, 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:

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

IT IS HEREBY ORDERED that the violation of allowing a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty one (21) in AVN Number 4P8208A for Case Number 22,855 is sustained.

IT IS FURTHER ORDERED that within thirty (30) days of this order, the Licensee shall pay a monetary penalty of three hundred dollars ($300.00) to:

Washington State Liquor Control Board
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 three (3) day suspension of its liquor license, the dates and time of which shall be set by the Washington State Liquor Control Board.

DATED this 1st day of Oct., 2009.

WASHINGTON STATE LIQUOR CONTROL BOARD

Pat Wilson Parmer

PAT WILSON PARMER, CHIEF
ENFORCEMENT AND EDUCATION DIVISION

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

RECEIVED
SEP 2 1 2009
LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: BLEKT, INC. d/b/a KEN'S GRILL AND BAR 312 Main Street Ione, WA 99139 LICENSEE. LICENSE NO. 354952 AVN NO. 4P8208A	LCB NO. 22,855 STIPULATED SETTLEMENT AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, BLEKT, INC. d/b/a KEN'S GRILL AND BAR (Licensee) through its representative, KEN TIMMRECK, hereby enter into this stipulated settlement agreement for Liquor Control Board Case Number 22,855.

I. INTRODUCTION

1. The Washington State Liquor Control Board Education and Enforcement Division issued an Administrative Violation Notice No. 4P8208A (AVN) on July 29, 2008, to the above-named Licensee specifying the following violations of the Washington State Liquor Act:

On or about July 26, 2008, the above-named Licensee, or an employee(s) thereof:

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(1) allowed a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty-one (21), contrary to RCW 66.44.310 and WAC 314-11-020(2).

(2) failed to: provide food service between 11:00 a.m. and 11:00 p.m. when liquor is served; serve at least four (4) complete meals; and/or failed to make available a menu that listed, at a minimum, the required complete meals, contrary to RCW 66.44.175 and WAC 314-02-035.

(3) the above-named Licensee did not have the required signs posted, contrary to WAC 314-11-060.

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

II. AGREEMENT OF THE PARTIES

Prior to the filing of an administrative complaint, Enforcement and the Licensee agree to the following:

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

2. The Licensee explicitly waives the right of further administrative review of all matters related to this violation. The Licensee hereby voluntarily withdraws its request for a hearing on this matter.

3. The Licensee admits to only one violation in the above-referenced AVN, that is: on July 26, 2008, the above-named Licensee, or an employee(s) thereof, allowed a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty one (21), contrary to RCW 66.44.310 and WAC 314-11-020(2).

4. In consideration of and for this settlement agreement, Enforcement agrees to the withdrawal of two allegations contained in the AVN. Specifically, Enforcement agrees to

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withdraw the allegations that the Licensee failed to provide food service between 11:00 a.m. and 11:00 p.m. when liquor is served; serve at least four (4) complete meals; and/or failed to make available a menu that listed, at a minimum, the required complete meals, contrary to RCW 66.44.175 and WAC 314-02-035, and the Licensee did not have the required signs posted, contrary to WAC 314-11-060.

5. The parties agree that the standard penalty for a first violation for allowing a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty one (21) is a five (5) day suspension of its liquor license or a five-hundred dollar ($500) monetary penalty.

6. Pursuant to this settlement agreement, the parties agree to an imposition of a three (3) day suspension of the liquor license or a three-hundred dollar ($300) monetary penalty. The Licensee hereby chooses to pay the monetary penalty of three-hundred dollars ($300).

7. The Licensee shall pay the monetary penalty of three-hundred dollars ($300) no later than thirty (30) days after the date of the Final Order of the Board. Payment shall be sent to:

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

8. If the Licensee subsequently fails to make a full and timely payment of the penalty as required in Section II, Paragraph 6 and 7, then the penalty of a three (3) day suspension of the Licensee's liquor license shall be imposed.

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

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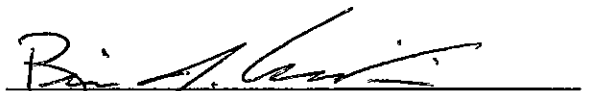
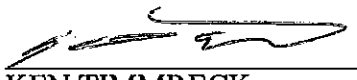
10. This agreement constitutes the final written expression of all the terms of this agreement and is a complete and exclusive statement of these terms.

ROBERT M. MCKENNA
Attorney General



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

9/21/09
Date



KEN TIMMRECK
For Blekt, Inc. d/b/a Ken's Grill and Bar

9-2-09
Date

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