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

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8 CUTTERCREST, LLC, d/b/a
SPORTS PAGE GRILLE AND BAR,

9 Petitioner,

10 v.

11 WASHINGTON STATE LIQUOR
CONTROL BOARD,

12 Respondent.
13

LCB NO's. 22,856; 23,557

FINAL ORDER OF THE BOARD
APPROVING SETTLEMENT
AGREEMENT

[PROPOSED]

14 THIS MATTER having come before the Washington State Liquor Control Board
15 (Board) and The Washington State Liquor Control Board Education and Enforcement Division
16 (Enforcement) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and
17 GORDON KARG, Assistant Attorney General, and the Licensee, CUTTERCREST LLC.,
18 d/b/a SPORTS PAGE GRILLE AND BAR (Licensee), by and through their counsel DAVID
19 OSGOOD, Attorney at Law, and the Board having considered the Settlement Agreement and
20 Licensing's memorandum recommending acceptance of the Settlement Agreement, and the
21 Board having had the opportunity to review all case files and all other materials maintained,
22 now therefore:

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1 IT IS HEREBY ORDERED that the Settlement Agreement for Case No's. 22,856 and
2 23,557 is approved in its entirety. In the event the Licensee seeks to re-assume it prior license,
3 and/or seeks to challenge or contest the Board's Final Order in either Case No. 22,856 or
4 Case No. 23,852, on any basis, the standard combined penalties for the two violations of a ten
5 (10) day suspension **or** a monetary penalty of five thousand dollars (\$5000.00) shall be
6 imposed at the discretion of the Board.

7 DATED this 8th day of NOVEMBER, 2011.

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9 WASHINGTON STATE LIQUOR CONTROL BOARD

10 Sharon Foster
11 Bohram Kurose
12 Chad
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NOV 07 2011

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

CUTTERCREST, LLC, d/b/a
SPORTS PAGE GRILLE AND BAR,

Petitioner,

LCB NO's. 22, 856; 23,557

SETTLEMENT AGREEMENT

v.

WASHINGTON STATE LIQUOR
CONTROL BOARD,

Respondent.

The Washington State Liquor Control Board Education and The Board Division (The Board) represented by its attorneys ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General and the Licensee, Cuttercrest LLC d/b/a Sports Page Grille & Bar (Licensee) represented by DAVID R. OSGOOD, Attorney at Law, hereby enter into this stipulated settlement agreement for Liquor Control Board Case Nos. 22, 856 and 23,557.

I. PROCEDURAL HISTORY

On October 10, 2008, the Board issued a Complaint in case No. 22, 856 alleging that on or about July 18, 2008, the above-named Licensee, or an employee(s) thereof, permitted a person apparently under the influence of liquor to physically possess and/or consume liquor on the licensed premise in violation of WAC 314-16-150(2). The parties stipulated to the facts and filed cross motions for summary judgment. ALJ Nicole Gaines issued an Initial Order on

1 October 6, 2010 granting the Board's Summary Judgment Motion and sustaining the
2 complaint. On November 23, 2010, the Board entered a Final Order sustaining the Initial
3 Order.

4 In case No. 23, 557, the Board issued a Complaint on September 30, 2009, alleging that
5 on or about July 18, 2009, the above-named Licensee, or an employee(s) thereof, permitted a
6 person apparently under the influence of liquor to physically possess and/or consume liquor on
7 the licensed premise in violation of WAC 314-16-150(2). On May 10, 2010, following a
8 formal hearing on the matter, ALJ Jason H. Grover issued an initial order sustaining the
9 Complaint. The Board issued a Final Order sustaining the Initial Order on July 13, 2010. The
10 Licensee sent a check for two thousand five hundred dollars (\$2500) to the Board, in
11 accordance with the monetary penalty assessed by the Board in its Final Order in case No. 23,
12 557.

13 Subsequently, the Licensee timely filed a petition for judicial review for both case
14 No.'s 22, 856 and 23, 557 in Thurston County Superior Court. The parties stipulated to
15 consolidating the matters into a single petition for review. The Parties agreed to postpone the
16 judicial review of case Nos. 22, 856 and 23,557 pending a decision in Thurston County
17 Superior Court Cause No. 10-2-01426-5, which was a judicial review of another administrative
18 case involving the same legal issues. On June 10, 2011, the Thurston County Superior Court
19 rendered a decision in Cause No. 10-2-01426-5.

20 During the pendency of the instant judicial review cases, Licensee has ceased operation
21 of its business and has voluntarily relinquished its liquor license. The Board and the Licensee
22 now wish to enter into a settlement agreement to resolve Licensee's two pending petitions for
23 judicial review.

24 II. AGREEMENT OF THE PARTIES

25 The Board and the Licensee agree to the following:
26

1 1. The Board and the Licensee enter into this agreement to avoid the time and
2 expense of further litigation. The Licensee explicitly waives the right of further review of all
3 matters relating to the above-referenced or related LCB Case No.'s 22, 856 and 23, 557,
4 petitions for judicial review, violations, Complaints and AVNs. The Licensee hereby
5 voluntarily withdraws its petitions for review challenging the Board's Final Orders in Case
6 No.'s 22, 856 and 23, 557.

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

9 3. The Licensee knowingly and voluntarily withdraws any and all challenge to:

10 a. The Board's Final Order in Case No. 22, 856 issued on November 23,
11 2010, sustaining the Initial Order and holding that on or about July 18, 2008, the above-named
12 Licensee, or an employee(s) thereof, permitted a person apparently under the influence of
13 liquor to physically possess and/or consume liquor on the licensed premise in violation of
14 WAC 314-16-150(2); **and**

15 b. The Board's Final Order in Case No. 23, 557 issued on July 13, 2010,
16 sustaining the Initial Order and holding that on or about July 18, 2009, the above-named
17 Licensee, or an employee(s) thereof, permitted a person apparently under the influence of
18 liquor to physically possess and/or consume liquor on the licensed premise in violation of
19 WAC 314-16-150(2).

20 4. Within 30 days of the date of this stipulation, the Licensee agrees to file an
21 order dismissing with prejudice Thurston County Cause No. 10-2-02790-1 and Thurston Co.
22 Cause No. 10-2-01839-2.

23 5. The Licensee acknowledges it has terminated its business operations,
24 voluntarily abandoned its liquor license and no longer has an interest in the license at issue and
25 therefore seeks to avoid the time and expense of further litigation.

1 6. The parties agree that the Licensee's cessation of business operations and
2 abandonment of its liquor license renders moot the further litigation of these cases and
3 imposition of any penalties.

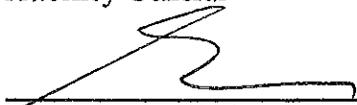
4 7. In consideration for this agreement, the Board agrees to refund to the Licensee
5 two thousand five hundred dollars (\$2500). Payment shall be sent to:

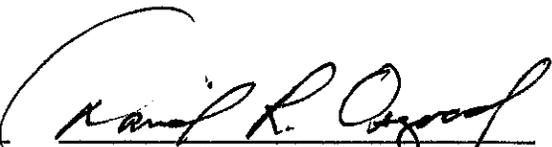
6 Cuttercrest LLC
7 6629 Cascade Dr. SE
8 Snohomish, WA 98296

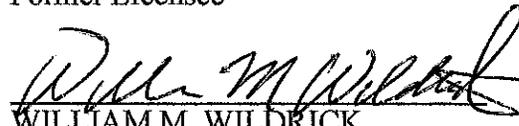
9 8. The Licensee agrees that if it seeks to re-assume its prior license, and/or seeks to
10 challenge or contest the Board's Final Order in either Case No. 22, 856 or Case No. 23, 852, as
11 set forth above, on any basis, the standard combined penalties for the two violations of a ten
12 (10) day suspension or a monetary penalty of five thousand dollars (\$5000) shall be imposed at
13 the discretion of the Board.

14 STIPULATED AND AGREED this 19 day of October 2011.

15 ROBERT M. MCKENNA
16 Attorney General

17 
18 GORDON KARG, WSBA #37178
19 Assistant Attorney General
20 Attorneys for Washington State
21 Liquor Control Board Education and The
22 Board Division

17 
18 DAVID OSGOOD, WSBA #26104
19 Attorney for Licensee
20 Cuttercrest LLC d/b/a
21 Sports Page Grille & Bar
22 Former Licensee

21 
22 WILLIAM M. WILDRICK
23 Member/Manager Cuttercrest L.L.C.
24 d/b/a Sports Page Grille & Bar
25 Former Licensee
26



Washington State
Liquor Control Board

November 10, 2011

Cuttercrest LLC, Former Licensee
Sports Page Grille and Bar
6629 Cascade Dr SE
Snohomish, WA 98296-8945

David Osgood, Attorney for Cuttercrest LLC
1411 4th Ave Ste 1506
Seattle, WA 98101-2247

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

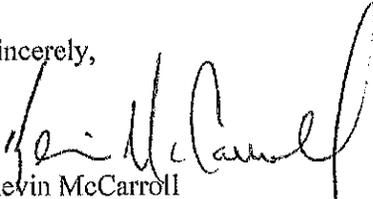
RE: FINAL ORDER OF THE BOARD APPROVING SETTLEMENT AGREEMENT
FORMER LICENSEE: Cuttercrest, LLC
TRADE NAME: Sports Page Grille and Bar
LOCATION: 907 First Street, Snohomish, WA 98296
LICENSE NO. 356164-3F
ADMINISTRATIVE VIOLATION NOTICE NOS. 3S8200A, 3F9199A
LCB HEARING NOS. 22,856; 23,557
UBI: 601 629 483 001 0002

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter along with a copy of the Settlement Agreement. Processing of the applicable refund will be referred to the Enforcement Division.

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

Sincerely,


Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Bellingham Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NOS. 22,856; 23,557

CUTTERCREST, LLC
SPORTS PAGE GRILLE AND BAR
907 1ST ST
SNOHOMISH, WA 98296

DECLARATION OF SERVICE BY
MAIL

FORMER LICENSEE
LICENSE NO. 356164-3G

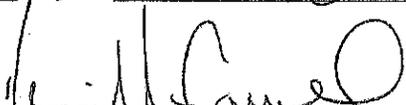
I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING
STIPULATED SETTLEMENT AGREEMENT in the above-referenced matter to be served on all
parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for
Licensees, by Campus Mail for the Office of Attorney General, on the date below to:

DAVID OSGOOD, ATTORNEY
1411 4TH AVE STE 1506
SEATTLE, WA 98101-2247

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100
GORDON KARG, AAG
GCE DIVISION

CUTTERCREST, LLC
d/b/a SPORTS PAGE GRILLE AND BAR
6629 CASCADE DR SE
SNOHOMISH, WA 98296-8945

DATED this 10th day of November, 2011, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator