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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:
J & D MILLENNIUM, INC. d/b/a
THE JET BAR & GRILL
800 164TH ST. SE
MILL CREEK, WA 98012-6305

LICENSEE

LICENSE NO. 368641
AVN NOS. 3S8024A, 3G8228A, and
3G8292A

LCB NO. 22,876
22,877
22,882

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 J & D MILLENNIUM, INC. d/b/a THE JET BAR AND GRILL (Licensee) of Mill Creek, Washington, through its attorney, DAVID OSGOOD and the parties having voluntarily entered into a stipulated settlement agreement for AVN Numbers 3S8024A, 3G8228A, and 3G8292A, Case Numbers 22,876, 22,877, and 22,882, 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 AVN Numbers 3S8024A, 3G8228A, and 3G8292A, for Case Numbers 22,876, 22,877, and 22,882 are sustained.

1 IT IS FURTHER ORDERED that the Licensee will pay (1) \$300.00 in LCB Number
2 22,876 and (2) \$1,500 in LCB Number 22,882 for a total of one thousand, eight hundred
3 dollars (\$1,800). Payment shall be sent to:

4 Washington State Liquor Control Board
5 PO Box 43094
6 Olympia, WA 98504-3094

7 In the event the Licensee fails to make full and timely payment of the monetary penalty, the
8 Licensee shall serve a ten (10) day suspension of its liquor license, the dates and time of which
9 shall be set by the Washington State Liquor Control Board.

10 IT IS FURTHER ORDERED that the Licensee shall have its liquor license suspended
11 for three (3) days in LCB Number 22,877. The suspension shall be effective March 6, 2010, at
12 10 a.m. through March 9, 2010, at 10 a.m.

13 DATED this 23 day of February, 2010.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 Sharon Foster

16 Richard Kurze

17 _____
18 _____
19 _____
20 _____
21 _____
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24 _____
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26 _____

RECEIVED

FEB 10 2010

LIQUOR CONTROL BOARD
BOARD MEMBERS

**STATE OF WASHINGTON
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

J & D MILLENNIUM, INC. d/b/a
THE JET BAR & GRILL

800 164TH ST. SE
MILL CREEK, WA 98012-6305

LICENSEE

LICENSE NO. 368641
AVN NOS. 3S8024A, 3G8228A, and
3G8292A

LCB NO. 22,876
22,877
22,882

STIPULATED SETTLEMENT
AGREEMENT

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 J & D MILLENNIUM, INC. d/b/a THE JET BAR AND GRILL (Licensee) of Mill Creek, Washington, through its attorney, DAVID OSGOOD, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case numbers 22,876, 22,877, and 22,882, arising from Administrative Violation Notices (AVNs) 3S8024A, 3G8228A, and 3G8292A.

I. INTRODUCTION

1. In LCB No. 22,876, The Washington State Liquor Control Board, by Complaint dated April 8, 2009, alleged that the above-named Licensee engaged in criminal conduct on the licensed premises on November 26, 2007 and December 10, 2007, contrary to WAC 314-11-015.

2. In LCB No. 22,877, The Washington State Liquor Control Board, by Complaint dated April 8, 2009, alleged that above-named Licensee, or employee(s) thereof, gave, sold and/or supplied liquor to a person(s) under the age of twenty-one (21) on August 15, 2008,

1 contrary to RCW 66.44.270 and/or WAC 314-11-020(1).

2 3. In LCB No. 22,882, The Washington State Liquor Control Board, by Complaint
3 dated April 8, 2009, alleged that above-named Licensee or employee(s) thereof, supplied or
4 sold liquor to an apparently intoxicated person and/or allowed or permitted an apparently
5 intoxicated person to consume and/or possess alcohol on the licensed premises on October 18,
6 2008, contrary to RCW 66.44.200 and/or WAC 314-16-150.

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

9 **II. AGREEMENT OF THE PARTIES**

10 Enforcement and the Licensee agree to the following:

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

13 2. The Licensee explicitly waives the right of further administrative review of all
14 matters related to the above-referenced AVN. Furthermore, the Licensee hereby voluntarily
15 withdraws his request for a hearing in this matter.

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

19 4. The Licensee admits to the violations set forth in the above-reference
20 Complaints. Specifically, it admits that:

21 a. On or about November 26, 2007 and/or December 10, 2007, the above-
22 named Licensee allowed unlawful gambling to occur on the licensed premises, contrary to
23 WAC 314-11-015.

24 b. On or about August 15, 2008, the above-named Licensee, or
25 employee(s) thereof, gave, sold and/or supplied liquor to a person(s) under the age of twenty-
26 one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1).

1 c. On or about October 18, 2008, Licensee or employee(s) thereof, allowed
2 or permitted an apparently intoxicated person to consume and/or possess alcohol on the
3 licensed premises, contrary to RCW 66.44.200 and/or WAC 314-16-150.

4 5. The parties agree that the standard penalty for:

5 a. A first violation for allowing criminal conduct to occur on the licensed
6 premises is a five (5) day suspension of its liquor license or a five-hundred dollar (\$500)
7 monetary penalty.

8 b. A second violation for giving, selling, and/or supplying liquor to a
9 person(s) under the age of twenty-one (21) is a seven (7) day suspension of its liquor license.

10 c. A second violation for allowing or permitting an apparently intoxicated
11 person to consume and/or possess alcohol on the licensed premises is a five (5) day suspension
12 of its liquor license or a two thousand, five-hundred dollar (\$2,500) monetary penalty.

13 d. The parties agree that the standard total penalty for the above-listed
14 violations is a seven (7) day suspension and a three thousand dollar (\$3,000) monetary penalty,

15 6. The parties agree that:

16 a. In LCB No. 22,876, the Licensee will pay a monetary penalty of three
17 hundred dollars (\$300.00).

18 b. In LCB No. 22,877, the Licensee will have its liquor license suspended
19 for three (3) days. The suspension shall be effective March 6, 2010, at 10 a.m. through March
20 9, 2010, at 10 a.m. .

21 c. In LCB No. 22,882, the Licensee will pay a monetary penalty of one
22 thousand, five hundred dollars (\$1,500).

23 7. The Licensee shall pay a total monetary penalty of one thousand, eight hundred
24 dollars (\$1,800) no later than thirty (30) days after the date of the Final Order of the Board.

25 Payment shall be sent to:

26
THE JET BAR AND GRILL, LCB NOS.
22,886, 22,887, AND 22,882

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

8. In the event that the Licensee fails to make full and timely payment of the monetary penalty as required in Section II, Paragraph 7, the Licensee shall serve a ten (10) day suspension of his liquor license, the dates and time of which shall be set by the Washington State Liquor Control Board.

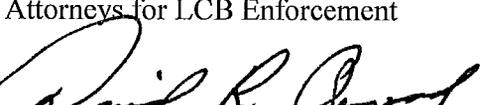
9. The parties recognize that this settlement agreement is subject to approval by the Washington State Liquor Control Board.

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

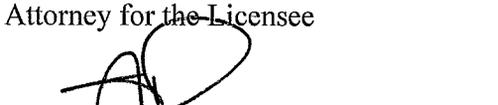
ROBERT M. MCKENNA
Attorney General


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

2/9/10
DATE


DAVID OSGOOD, WSBA #26104
Attorney for the Licensee

2/11/10
DATE


STEPHEN A. DORN
Representative for Licensee

1/21/10
DATE



Washington State
Liquor Control Board

February 23, 2010

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

J & D Millennium, Inc., Licensee
The Jet Bar & Grill
800 164th St SE
Mill Creek, WA 98012-6305

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 NOS. 3S8024A, 3G8228A, and 3G8292A
LICENSEE: J & D Millennium, Inc
TRADE NAME: The Jet Bar & Grill
LOCATION: 800 164th St SE, Mill Creek, WA 98012-6305
LICENSE NO. 368641
LCB HEARING NOS. 22,876, 22,877, and 22,882
UBI: 6020598610010002**

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 is due by 5:00 pm on March 25, 2010 or suspension will take place from 2:00 pm on April 9, 2010 until 2:00 pm on April 19, 2010.**

If you are sending in payment, please send it to the mailing address indicated in the Final Order 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,

Shayna Burmeister
Executive Assistant to the Board

Enclosures (3)

cc: Bellingham Enforcement and Education Division, WSLCB
Amber Harris, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 www.liq.wa.gov

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2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NOS. 22,876
22,877
22,882

5 J & D MILLENNIUM, INC.
6 THE JET BAR & GRILL
7 800 164TH ST SE
8 MILL CREEK, WA 98012-6305

DECLARATION OF SERVICE BY
MAIL

9 LICENSEE

10 LICENSE NO. 368641
11 AVN NOS. 3S8024A, 3G8228A, and
12 3G8292A

13 I declare under penalty of perjury under the laws of the state of Washington that on
14 February 23, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in
15 the above-referenced matter, by placing a copy of said documents in the U.S. mail, postage
16 prepaid, to all parties or their counsel of record.

17 DATED this 23 day of February, 2010, at Olympia, Washington.

18 

19 Shayna Burmeister, Executive Assistant to the Board

20 DAVID OSGOOD,
21 ATTORNEY FOR LICENSEE
22 1411 4TH AVE STE 1506
23 SEATTLE, WA 98101-2247

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

24 STEPHEN DORN
25 J & D MILLENNIUM, INC.
26 d/b/a THE JET BAR & GRILL
800 164TH ST SE
MILL CREEK, WA 98012-6305

DECLARATION OF SERVICE BY
MAIL