

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

2
3 IN THE MATTER OF:

LCB NO. 23, 516; 23,576

4 TALOTTI INC. d/b/a
5 TALOTTI'S 211
6 N. 211 DIVISION
7 SPOKANE WA, 99201

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT
[PROPOSED]

8 LICENSEE

9 LICENSE NO. 076669

10 The above-captioned cases having come before the Board upon a single Stipulated
11 Settlement Agreement between the Enforcement Division of the Washington State Liquor
12 Control Board and the Licensee, for both matters, and the Board having reviewed the
13 Stipulated Settlement Agreement:

14 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case
15 Numbers 23, 516; 23,576 is approved, that the violation charged in Administrative Violation
16 Notice No. 4O9017A shall be converted to a written warning and the violations charged in
17 Administrative Violation Notice No. 4O9135A are sustained, and the Licensee's cessation of
18 business operations and voluntarily relinquishing of its liquor license shall act in lieu of the
19 combined standard penalties.

20 FURTHERMORE if the Licensee has failed to relinquish its liquor license, for any
21 reason, then the Board will impose the penalty of a twelve (12) day suspension of the liquor
22 license, to occur on dates of the Board's choosing.

23 DATED this 8 day of December, 2009.

24 WASHINGTON STATE LIQUOR CONTROL BOARD

25 *Sharon Foster*
26 *Ruthana Kurose*

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STIPULATED SETTLEMENT
AGREEMENT

LICENSEE

13 LICENSE NO. 076669

14 The Washington State Liquor Control Board Education and Enforcement Division
15 (Enforcement) represented by its attorneys ROBERT M. MCKENNA, Attorney General and
16 GORDON KARG, Assistant Attorney General and the Licensee, Talotti Inc. d/b/a Talotti's
17 211 (Licensee) represented by DOMINIC M. BARTOLETTA, Attorney at Law, hereby enter
18 into this stipulated settlement agreement for Liquor Control Board Case No's. 23,516 and
19 23,576.

20 **I. INTRODUCTION**

21 The Washington State Liquor Control Board charged the above-named Licensee, in two
22 separate Administrative Violation Notices with the following violations of the Washington
23 Liquor Control Board Rules:

24 1. AVN No. 409017A: on or about January 17, 2009 the above-named Licensee
25 or an employee thereof was apparently intoxicated on the licensed premises in violation of
26 WAC 314-11-015(3)(a).

1 5. The parties agree that this is the Licensee's second violation, within a two-year
2 period, for sale, service or supply of alcohol to a person under twenty-one (21) years of age
3 contrary to WAC 314-11-020 which has a standard penalty of a seven (7) day suspension of
4 the Licensee's liquor license.

5 6. The parties agree that this is the Licensee's first violation for failing to ensure
6 its employee holds a valid Alcohol Server Permit contrary to WAC 314-17-030 which has a
7 standard penalty of a five (5) day suspension of the Licensee's liquor license or a two-hundred
8 and fifty dollar (\$250) monetary penalty.

9 7. The Licensee acknowledges it has terminated its business operations,
10 voluntarily relinquished its liquor license and no longer has an interest in the license at issue.

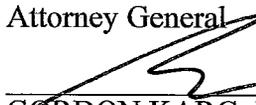
11 8. The parties agree that the Licensee's cessation of business operations and
12 voluntarily relinquishing of its liquor license has effectively mooted Enforcement's actions and
13 shall act in lieu of the standard penalty.

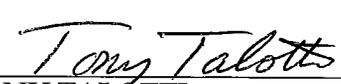
14 9. The parties agree that if for any reason the Licensee has not relinquished its
15 liquor license then the Board will impose the penalty of a twelve (12) day suspension of the
16 liquor license to occur on dates of the Board's choosing.

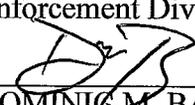
17 10. The parties recognize that this settlement agreement is subject to approval by
18 the Washington State Liquor Control Board.

19 STIPULATED AND AGREED this 4 day of December 2009.

20 ROBERT M. MCKENNA
21 Attorney General

22 
GORDON KARG, WSBA #37178
23 Assistant Attorney General
24 Attorneys for Washington State
Liquor Control Board Education and
Enforcement Division

25 
TONY TALOTTI
26 Governing Officer,
Talotti Inc., d/b/a Talotti's 211
Former Licensee

25 
DOMINIC M. BARTOLETTA, WSBA #28355
26 Attorney at Law
Attorney for Talotti Inc.



Washington State
Liquor Control Board

December 10, 2009

Dominic M. Bartoletta, Attorney for Licensee
4610 N Ash St Ste 203
Spokane, WA 99205-1482

Tony Talotti
Talotti, Inc.
d/b/a Talotti's 211
N. 211 Division
Spokane, WA 99202-1607

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 APPROVING STIPULATED SETTLEMENT
AGREEMENT
ADMINISTRATIVE VIOLATION NOTICE NO. Bifurcated AVN 409017A and AVN
409135A
LICENSEE: Talotti, Inc.
TRADE NAME: Talotti's 211
LOCATION: 211 N Division Street, Spokane, WA 99202
LICENSE NO. 076669
LCB HEARING NO. 23,516 and 23,576**

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.

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

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NOS. 23,516; 23,576

5 TALOTTI, INC.
6 d/b/a TALOTTI'S 211
7 N. 211 DIVISION
8 SPOKANE, WA 99202-1607.

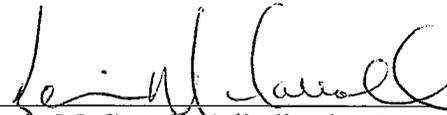
DECLARATION OF SERVICE BY
MAIL

LICENSEE

9 LICENSE NO. 076669

10 I declare under penalty of perjury under the laws of the state of Washington
11 that on December 10, 2009, I served a true and correct copy of the FINAL ORDER OF THE
12 BOARD APPROVING STIPULATED SETTLEMENT AGREEMENT in the above-referenced
13 matter, by placing a copy of said documents in the U.S. mail, postage prepaid, to all parties or
14 their counsel of record.
15

16 DATED this 10th day of December, 2009, at Olympia, Washington.

17
18 
19 Kevin McCarroll, Adjudicative Proceedings Coordinator

20 DOMINIC M. BARTOLETTA, ATTORNEY
21 FOR LICENSEE
22 4610 N ASH ST STE 203
23 SPOKANE, WA 99205-1482

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

24 TONY TALOTTI
25 TALOTTI, INC.
26 D/B/A TALOTTI'S 211
N. 211 DIVISION
SPOKANE, WA 99202-1607

DECLARATION OF SERVICE BY
MAIL