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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,520

JANERICK, LLC. d/b/a BIG E
324 RAILROAD AVE
SHELTON, WA 98584

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

LICENSEE

~~PROPOSED~~

LICENSE NO. 074489

THIS MATTER having come before the Washington State Liquor Control Board (Board) and The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General and the Licensee, Janerick LLC d/b/a Big E (Licensee) represented by RICHARD T. HOSS, Attorney at Law, and the Board having considered the stipulated settlement agreement and Enforcement's memorandum recommending acceptance of the 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 the Stipulated Settlement Agreement for Case No. 23,520 is approved; that Administrative Violation Notice No. 1F9052A is sustained; and the Licensee's cessation of business operations and voluntarily relinquishing of its liquor license shall act in lieu of the standard penalty.

1 FURTHERMORE The Licensee agrees that if it has failed to relinquish its liquor
2 license, for any reason, the standard penalty of a 5-day suspension of the Licensee's liquor
3 license or a monetary option of \$500, shall be imposed.

4 DATED this 8th day of October, 2009.

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6 WASHINGTON STATE LIQUOR CONTROL BOARD

7 Sharon Foster

8 Ruthann Kewose

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LCB NO. 23,520

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324 RAILROAD AVE
SHELTON, WA 98584

STIPULATED SETTLEMENT
AGREEMENT

LICENSEE

LICENSE NO. 074489

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General and the Licensee, Janerick LLC d/b/a Big E (Licensee) represented by RICHARD T. HOSS, Attorney at Law, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,520.

I. INTRODUCTION

The Washington State Liquor Control Board, Enforcement and Education Division charged the above-named Licensee, in Administrative Violation Notice (AVN) No. 1F9052A, with the following alleged violation of the Washington State Liquor Act:

That on or about February 21, 2009, the above-named Licensee or employee(s) thereof, allowed a person under twenty-one (21) years of age, to remain in an area of the licensed premise designated as off-limits to persons under the age of twenty-one contrary to RCW 66.44.310 (1)(a).

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

3 **II. AGREEMENT OF THE PARTIES**

4 Enforcement and the Licensee agree to the following:

5 1. Enforcement and the Licensee enter into this agreement to avoid the time and
6 expense of further litigation. The Licensee explicitly waives the right of further administrative
7 review of all matters related to the above referenced violation and AVN. The Licensee hereby
8 voluntarily withdraws its requests for a hearing in these matters.

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

11 3. It is the Licensee's position that if any of its former employees committed the
12 alleged violation, it would have been in violation of clear Janerick, LLC directives to staff and
13 company policy, and would have resulted in immediate action to correct such violations and
14 discipline and or terminate those former employees responsible. Furthermore, it is also the
15 Licensee's position that the governing members of the LLC were not involved in day-to-day
16 operations and were generally unaware of the specific conduct of their employees.

17 4. The Licensee disputes the truth of the allegations contained in AVN No.
18 1F9052A. However, the Licensee agrees that, were this matter to proceed to hearing, there is a
19 substantial likelihood that Enforcement would be able to prove that on or about February 21,
20 2009, the employee(s) of the above-named Licensee, allowed a person under twenty-one (21)
21 years of age, to remain in an area of the licensed premise designated as off-limits to persons
22 under the age of twenty-one contrary to RCW 66.44.310(a). Therefore, the Licensee agrees to
23 stipulate to the violation set forth in the above-referenced Complaint, solely to take advantage
24 of Enforcement's offer of settlement.

25 4. The parties agree that the Washington State Liquor Control Board will consider
26 that the violation set forth in AVN No. 1F9052A, as specified at Part II, ¶4, has been sustained

1 and will become a part of the Licensee's licensing history and will have the full force and
2 affect in law as any other violation of a liquor law or regulation.

3 5. The parties agree that this is the Licensee's first violation for allowing a person
4 under twenty-one (21) years of age, to remain in an area of the licensed premise designated as
5 off-limits to such persons and it has a standard penalty of a five (5) day suspension of the
6 Licensee's liquor license or a monetary penalty of five-hundred dollars (\$500).

7 6. The Licensee acknowledges it has terminated its business operations,
8 voluntarily relinquished its liquor license and no longer has an interest in the license at issue
9 and therefore has elected to not incur the time and expense of litigation.

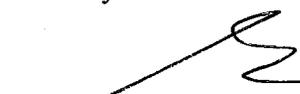
10 7. The parties agree that the Licensee's cessation of business operations and
11 voluntarily relinquishing of its liquor license has effectively mooted Enforcement's actions and
12 shall act in lieu of the standard penalty.

13 8. The Licensee agrees that if it has failed to relinquish its liquor license, for any
14 reason, the standard penalty of a 5-day suspension of the Licensee's liquor license or a
15 monetary option of \$500, shall be imposed.

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

18 STIPULATED AND AGREED this 30 day of September 2009.

19 ROBERT M. MCKENNA
20 Attorney General

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


_____ RICHARD T. HOSS, WSBA #12976
Attorney at Law for,
JANERICK LLC, d/b/a BIG E
Former Licensee


_____ RICHARD D. ANDERSON
Governing Member,
JANERICK LLC, d/b/a BIG E

Former Licensee

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