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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

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

LICENSEE

LICENSE NO. 074489

LCB NO. 23,521

FINAL ORDER OF THE BOARD  
APPROVING STIPULATED  
SETTLEMENT AGREEMENT

~~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) 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 Licensing'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. 23,521 is approved, that the violations charged in Administrative Violation Notice No. 1F9053A are sustained, and the Licensee's cessation of business operations and voluntarily relinquishing of its liquor license shall act in lieu of the combined standard penalties.

1 FURTHERMORE if the Licensee has failed to relinquish its liquor license, for any  
2 reason, the standard combined penalties for the two violations of a fifteen (15) day suspension  
3 of the Licensee's liquor license or a monetary option of five-thousand, two-hundred and fifty  
4 dollars (\$5250), shall be imposed.

5 DATED this 8<sup>th</sup> day of October, 2009.

6  
7 WASHINGTON STATE LIQUOR CONTROL BOARD

8 Sharon Foster

9 Putnam Kavozze

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IN THE MATTER OF:

LCB NO. 23,521

JANERICK, LLC. d/b/a BIG E  
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. 23,521.

**I. INTRODUCTION**

The Washington State Liquor Control Board, Enforcement and Education Division charged the above-named Licensee, in Administrative Violation Notice (AVN) No. 1F9053A, with the following alleged violations of the Washington State Liquor Act:

That on or about February 22, 2009, the above-named Licensee or employee(s) thereof, sold, gave or otherwise supplied liquor to a person who was apparently under the influence of liquor, contrary to WAC 314.16.150(1); and

That on or about February 22, 2009, the above-named Licensee or employee(s) thereof failed to provide minimum food service contrary to 314-02-035(8)(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 violations and AVN. The Licensee  
8 hereby 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 violations, 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 1F9053A. 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:

20 a. on or about February 22, 2009, employee(s) of the above-named  
21 Licensee, sold, gave or otherwise supplied liquor to a person who was apparently under the  
22 influence of liquor, contrary to WAC 314-16-150(1); **and**

23 b. that on or about February 22, 2009, employee(s) of the above-named  
24 Licensee failed to provide minimum food service contrary to 314-02-035(8)(a).

25 Therefore, the Licensee agrees to stipulate to the violations set forth in the above-  
26 referenced AVN No. 1F9053A, solely to take advantage of Enforcement's offer of settlement.

1           5.       The parties agree that the Washington State Liquor Control Board will consider  
2 that the violations set forth in AVN No. 1F9053A, as specified at Part II, ¶4 (a)-(b), have been  
3 sustained and will become a part of the Licensee's licensing history and will have the full force  
4 and affect in law as any other violation of a liquor law or regulation.

5           6.       The parties agree that this is the Licensee's third violation, within a twenty-four  
6 month period, for selling, giving or otherwise supplying liquor to a person who was apparently  
7 under the influence of liquor, contrary to WAC 314.16.150(1) and it has a standard penalty of a  
8 ten (10) day suspension of the Licensee's liquor license or a monetary penalty of five-thousand  
9 dollars (\$5000).

10          7.       The Parties agree that this is the Licensee's first violation for failing to provide  
11 minimum food service contrary to 314-02-035(8)(a) and it has a standard penalty of a five (5)  
12 day suspension of the Licensee's liquor license or a monetary penalty of two-hundred and fifty  
13 dollars (\$250).

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

17          9.       The parties agree that the Licensee's cessation of business operations and  
18 voluntarily relinquishing of its liquor license has effectively mooted Enforcement's actions and  
19 shall act in lieu of the standard penalty.

20          10.       The Licensee agrees that if it has failed to relinquish its liquor license, for any  
21 reason, the standard combined penalties for the two violations of a fifteen (15) day suspension  
22 of the Licensee's liquor license or a monetary option of five-thousand, two-hundred and fifty  
23 dollars (\$5250), shall be imposed.

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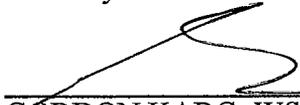
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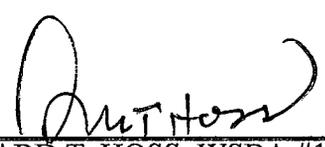
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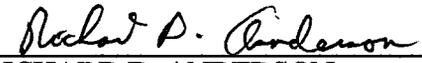
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2 10. The parties recognize that this settlement agreement is subject to approval by  
3 the Washington State Liquor Control Board.

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5 STIPULATED AND AGREED this 30 day of September 2009.

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7 ROBERT M. MCKENNA  
8 Attorney General

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11 GORDON KARG, WSBA #37178  
12 Assistant Attorney General  
13 Attorneys for Washington State  
14 Liquor Control Board Education and  
15 Enforcement Division

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

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23 \_\_\_\_\_  
24 RICHARD D. ANDERSON  
25 Governing Member,  
26 JANERICK LLC, d/b/a BIG E  
Former Licensee