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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,548
23,549

MR. KELLS, INC. d/b/a KELLS IRISH
RESTAURANT

FINAL ORDER OF THE BOARD

1916 POST ALLEY
SEATTLE, WA 98101

~~PROPOSED~~

LICENSEE

LICENSE NO. 368421
AVN NOS. 2E9116A and 2E9147F

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 MR. KELLS, INC. d/b/a KELLS IRISH RESTAURANT (Licensee) of Seattle, Washington, through its attorney, DAVID OSGOOD, and the parties having voluntarily entered into a stipulated settlement agreement for AVN Numbers 2E9116A and 2E9147F, Case Number 23,548 and 23,549, 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:

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1 IT IS HEREBY ORDERED that AVN Numbers 2E9116A and 2E9147F for Case
2 Number 23,548 and 23,549 are sustained.

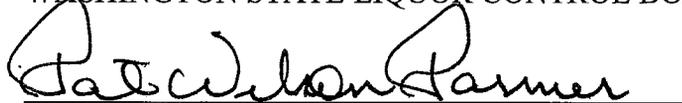
3 IT IS FURTHER ORDERED that within thirty (30) days of this order, the Licensee
4 shall pay a monetary penalty of (1) three hundred dollars (\$300.00) in LCB Number 23,548
5 and (2) three hundred dollars (\$300) in LCB Number 23,549 for a total of six hundred dollars
6 (\$600.00). Payment shall be sent to:

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

10 In the event the Licensee fails to make full and timely payment of the monetary penalty, the
11 Licensee shall serve a six (6) day suspension of its liquor license, the dates and time of which
12 shall be set by the Washington State Liquor Control Board.

13 DATED this 1st day of March, 2010.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 
16 PAT WILSON PARMER, CHIEF
17 ENFORCEMENT AND EDUCATION DIVISION

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**STATE OF WASHINGTON
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 23,548
23,549

MR. KELLS, INC. d/b/a KELLS IRISH
RESTAURANT

STIPULATED SETTLEMENT
AGREEMENT

1916 POST ALLEY
SEATTLE, WA 98101

LICENSEE

LICENSE NO. 368421
AVN NOS. 2E9116A and 2E9147F

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 MR. KELLS, INC. d/b/a KELLS IRISH RESTAURANT (Licensee) of Seattle, Washington, through its attorney, DAVID OSGOOD, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case numbers 23,548 and 23,549, arising from Administrative Violation Notices (AVNs) 2E9116A and 2E9147F.

I. INTRODUCTION

1. In LCB No. 23,548, the Board issued a Complaint on October 28, 2009, alleging that: (1) on or about April 26, 2009, the above-named Licensee, or an employee(s) thereof, allowed a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to person under the age of twenty one (21), contrary to RCW 66.44.310

1 and/or WAC 314-11-020(2); and (2) on or about April 26, 2009, the above-named Licensee, or
2 an employee(s) thereof gave, sold and/or supplied liquor to a person(s) under the age of
3 twenty-one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1).

4 2. In LCB No. 23,548, the Board issued a Complaint on October 28, 2009,
5 alleging that on or about May 27, 2009, the above-named Licensee, or employee(s) thereof,
6 gave, sold and/or supplied liquor to a person(s) under the age of twenty-one (21), contrary to
7 RCW 66.44.270 and/or WAC 314-11-020(1).

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

10 II. AGREEMENT OF THE PARTIES

11 Enforcement and the Licensee have agreed to resolve LCB Case Nos. 23,548 and
12 23,549 via settlement. Enforcement and the Licensee agree to the following:

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

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

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

21 4. In AVN No. 23,548, The Licensee admits that:

22 a. On or about April 26, 2009, the above-named Licensee, or an
23 employee(s) thereof, allowed a person under twenty-one (21) years of age to enter and remain
24 in an area classified as off-limits to person under the age of twenty one (21).

25 b. In consideration of and for this stipulation, Enforcement agrees to the
26 withdrawal of the additional allegation contained in the Complaint. Specifically, Enforcement

1 agrees to dismiss the allegation that the Licensee, or an employee(s) thereof gave, sold and/or
2 supplied liquor to a person(s) under the age of twenty-one (21), contrary to RCW 66.44.270
3 and/or WAC 314-11-020(1).

4 5. In AVN No. 23,549, the Licensee admits that on or about May 27, 2009, the
5 above-named Licensee, or employee(s) thereof, gave, sold and/or supplied liquor to a person(s)
6 under the age of twenty-one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1).

7 6. The parties agree that the standard penalty for:

8 a. A first violation for selling, giving, supplying liquor to a person under
9 the age of twenty-one (21) is a five (5) day suspension of its liquor license or a five hundred
10 dollar (\$500) monetary penalty.

11 b. A first violation for allowing a person under twenty-one (21) years of
12 age to enter and remain in an area classified as off-limits to person under the age of twenty one
13 (21) is a five (5) day suspension of its liquor license or a five hundred dollar (\$500) monetary
14 penalty.

15 c. The parties agree that the standard total penalty for the above-listed
16 violations is a ten (10) day suspension or a one thousand dollar (\$1,000) monetary penalty,

17 7. The parties agree that:

18 a. In LCB No. 23,548, the Licensee will pay a monetary penalty of three
19 hundred dollars (\$300.00).

20 b. In LCB No. 23,549, the Licensee the Licensee will pay a monetary
21 penalty of three hundred dollars (\$300.00).

22 8. The Licensee shall pay a total monetary penalty of six hundred dollars (\$600)
23 no later than thirty (30) days after the date of the Final Order of the Board. Payment shall be
24 sent to:

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

1 9. In the event that the Licensee fails to make full and timely payment of the
 2 monetary penalty as required in Section II, Paragraph 8, the Licensee shall serve a six (6) day
 3 suspension of its liquor license, the dates and time of which shall be set by the Washington
 4 State Liquor Control Board.

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

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

11 ROBERT M. MCKENNA
 12 Attorney General

13 
 14 _____
 15 BRIAN J. CONSIDINE, WSBA #39517
 16 Assistant Attorney General
 17 Attorneys for LCB Enforcement

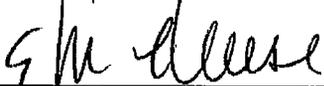
2/19/10

 DATE

18 
 19 _____
 20 DAVID OSGOOD, WSBA #261040
 21 Attorney for the Licensee

2/12/10

 DATE

22 
 23 _____
 24 EITHNA MCALLESE
 25 Representative for the Licensee

FEB 10, 2010

 DATE



**Washington State
Liquor Control Board**

March 4, 2010

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

Mr. Kell's, Inc
d/b/a Kells Irish Restaurant
5330 Lansdowne Ln
Mercer Island, WA 99040-4649

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. 2E9116A and 2E9147F
LICENSEE: Mr. Kell's, Inc
TRADE NAME: Kells Irish Restaurant
LOCATION: 1916 Post Alley, Seattle, WA 98101
LICENSE NO. 368421
LCB HEARING NOS. 23,548 and 23,549
UBI: 601 081 148 001 0001**

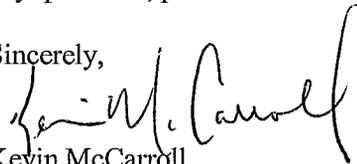
Dear Parties:

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 April 5, 2010 or suspension will take place from 2:00 pm on Friday, April 16, 2010 until 2:00 pm on Thursday, April 22, 2010.

When 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,


Kevin McCarróll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Tukwila and Seattle Enforcement and Education Divisions, WSLCB
Amber Harris, WSLCB

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2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NOS. 23,548
23,549

5 MR. KELL'S, INC
6 d/b/a KELLS IRISH RESTAURANT
7 1916 POST ALLEY
8 SEATTLE, WA 98101-1015

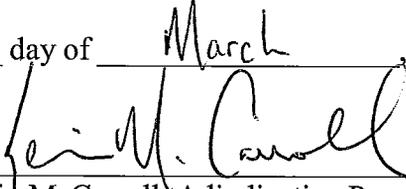
DECLARATION OF SERVICE BY
MAIL

9 LICENSEE

10 LICENSE NO. 368421
11 AVN NOS. 2E9116A and 2E9147F

12 I declare under penalty of perjury under the laws of the state of Washington that on
13 March 4, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in the
14 above-referenced matter, by placing a copy of said documents in the U.S. mail, postage
15 prepaid, to all parties or their counsel of record.

16 DATED this 4th day of March, 2010, at Olympia, Washington.

17 
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19 DAVID OSGOOD, ATTORNEY FOR
20 LICENSEE
21 1411 4TH AVE STE 1506
22 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

23 MR. KELL'S, INC
24 d/b/a KELLS IRISH RESTAURANT
25 5330 LANSDOWNE LN
26 MERCER ISLAND, WA 89040-4649

MR. KELL'S, INC
d/b/a KELLS IRISH RESTAURANT
1916 POST ALLEY
SEATTLE, WA 98101-1015

DECLARATION OF SERVICE BY
MAIL

1

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602