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

8 IN THE MATTER OF:

9 TACOS CALIFORNIA, INC. d/b/a
10 CANCUN PLAZA

11 909 SLEATER KINNEY RD
12 LACEY, WA 98503

13 LICENSEE

14 LICENSE NO. 369023
15 AVN NOS. 1R9148B and 1R9267C

LCB NO. 23,553
23,611

FINAL ORDER OF THE BOARD

[PROPOSED]

16 THIS MATTER having come before the Washington State Liquor Control Board
17 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
18 (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and
19 BRIAN J. CONSIDINE, Assistant Attorney General, and TACOS CALIFORNIA, INC. d/b/a
20 CANCUN PLAZA (Licensee) of Lacey, Washington, through its representative, MARTIN A.
21 MORENO and the parties having voluntarily entered into a stipulated settlement agreement for
22 AVN Numbers 1R9148B and 1R9267C, Case Numbers 23,553 and 23,611, and the Board
23 having considered the stipulated settlement agreement and Enforcement's memorandum
24 recommending acceptance of the stipulated settlement agreement, and the Board having had
25 the opportunity to review the file materials maintained in this case, now therefore:

26 IT IS HEREBY ORDERED that AVN Numbers 1R9148B and 1R9267C, for Case
Numbers 23,553 and 23,611, respectively, are sustained.

1 IT IS FURTHER ORDERED that within thirty (30) days of this order, the Licensee
2 shall pay a monetary penalty of four hundred and twenty-five dollars (\$425.00) in LCB Case
3 No. 23,553 to:

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

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 five (5) days in LCB Number 23,611. The suspension shall be effective March 25, 2010, at
12 10 a.m. through March 30, 2010, at 10 a.m.

13 DATED this 16 day of March, 2010.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 Sharon Foster

16 Ruthann Kuwore

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25 TACOS CALIFORNIA INC
26 d/b/a CANCUN PLAZA
LCB NOS. 23,553 & 23,611
LICENSE 369023

RECEIVED

MAR 16 2010

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

**STATE OF WASHINGTON
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 23,553
23,611

TACOS CALIFORNIA, INC. d/b/a
CANCUN PLAZA

909 SLEATER KINNEY RD
LACEY, WA 98503

STIPULATED SETTLEMENT
AGREEMENT

LICENSEE

LICENSE NO. 369023
AVN NOS. 1R9148B and 1R9267C

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 TACOS CALIFORNIA, INC. d/b/a CANCUN PLAZA (Licensee) of Lacey, Washington, through its representative, MARTIN A. MORENO, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case numbers 23,553 and 23,611, arising from Administrative Violation Notices (AVNs) 1R9148B and 1R9267C.

I. INTRODUCTION

1. In LCB No. 23,553, Enforcement issued to the Licensee AVN No. 1R9148B (AVN) on June 5, 2009, alleging that on or about May 28, 2009, the above-named Licensee, or an employee(s) thereof: (1) was intoxicated on the licensed premises, contrary to WAC 314-11-015(3)(a); (2) failed to allow an inspection of the licensed premises, contrary to WAC 314-

CANCUN PLAZA, LCB NOS. 23,553 and
23,611

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OFFICE OF THE ATTORNEY GENERAL
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

STIPULATED SETTLEMENT
AGREEMENT

1 11-090; and (3) failed to keep the premises open to the public while liquor is sold, served,
2 consumed, contrary to WAC 314-11-072.

3 2. In LCB No. 23,611, Enforcement issued to the Licensee AVN No. 1R9267C
4 (AVN) on October 21, 2009, alleging that on or about September 24, 2009, the above-named
5 Licensee, or employee(s) thereof, gave, sold and/or supplied liquor to a person(s) under the age
6 of twenty-one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1).

7 3. 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 AVNs. 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 AVN Nos. 1R9148B and
20 1R9267C. Specifically, it admits that:

21 a. On or about May 28, 2009, the above-named Licensee, or an
22 employee(s) thereof: (1) was intoxicated on the licensed premises, contrary to WAC 314-11-
23 015(3)(a); (2) failed to allow an inspection of the licensed premises, contrary to WAC 314-11-
24 090; and (3) failed to keep the premises open to the public while liquor is sold, served,
25 consumed, contrary to WAC 314-11-072.
26

1 b. On or about September 24, 2009, the above-named Licensee, or
2 employee(s) thereof, gave, sold and/or supplied liquor to a person(s) under the age of twenty-
3 one (21), contrary to RCW 66.44.270 and/or WAC 314-11-020(1).

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

5 a. A first violation for the licensee or an employee being intoxicated on the
6 licensed premises is a five (5) day suspension of its liquor license or a five-hundred dollar
7 (\$500) monetary penalty.

8 b. A first violation for failing to allow an inspection of the licensed
9 premises is a five (5) day suspension of its liquor license or a one hundred dollar (\$100)
10 monetary penalty.

11 c. A first violation for failing to keep the premises open to the public while
12 liquor is sold, served, consumed is a five (5) day suspension of its liquor license or a two
13 hundred and fifty dollar (\$250) monetary penalty.

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

16 e. The parties agree that the standard total penalty for the above-listed
17 violations is a seven (7) day suspension and a eight hundred and fifty dollar (\$850) monetary
18 penalty,

19 6. The parties agree that:

20 a. In LCB No. 23,553, the Licensee will pay a monetary penalty of:

21 (1) Two hundred and fifty dollars (\$250) for the licensee or
22 employee being intoxicated on the licensed premises.

23 (2) Fifty dollars (\$50) for failing to allow an inspection of the
24 licensed premises.

1 (3) One hundred and twenty-five dollars (\$125) for failing to keep
2 the license premises open to the public while liquor is sold, served, or
3 consumed.

4 b. In LCB No. 23,611, the Licensee will have its liquor license suspended
5 for five (5) days. The suspension shall be effective March 25, 2010, at 10 a.m. through March
6 30, 2010, at 10 a.m.

7 7. The Licensee shall pay a total monetary penalty of four hundred and twenty-five
8 dollars (\$425) no later than thirty (30) days after the date of the Final Order of the Board.
9 Payment shall be sent to:

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

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

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

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21 ///

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

5
6 ROBERT M. MCKENNA
Attorney General

7 
8 BRIAN J. CONSIDINE, WSBA #39517
Assistant Attorney General
9 Attorneys for LCB Enforcement

3/15/10
DATE

10 
11 MARTIN A. MORENO
12 Representative for Licensee

03-09-10
DATE



**Washington State
Liquor Control Board**

March 20, 2010

Martin Marino
Tacos California, Inc., Licensee
d/b/a Cancun Plaza
909 Sleater Kinney Rd Ste #6
Lacey, WA 98503-1103

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. 1R9148B & 1R9267C
LICENSEE: Tacos California, Inc.
TRADE NAME: Cancun Plaza
LOCATION: 909 Sleater Kinney Rd Ste #6, Lacey, WA 98503-1103
LICENSE NO. 369023-1R
LCB HEARING NOS. 23,553 & 23,611
UBI: 602 430 129 001 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.

In addition to the scheduled license suspension from 10am on March 25, 2010 through 10am on March 30, 2010, a monetary penalty of \$425.00 is due by April 19, 2010. If not paid timely, then an additional suspension of 10 days will take place from 10am on May 4, 2010 through 10 am on May 14, 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,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

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

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NOS. 23,553
23,611

5 TACOS CALIFORNIA, INC.
6 d/b/a CANCUN PLAZA
7 909 SLEATER KINNEY RD STE #6
8 LACEY, WA 98503-1103

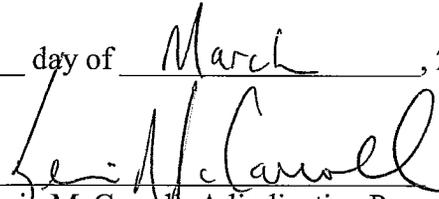
LICENSEE

DECLARATION OF SERVICE BY
MAIL

9 LICENSE NO. 369023
10 AVN NOS. 1R9148B and 1R9267C

11 I declare under penalty of perjury under the laws of the state of Washington that on
12 March 20, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in
13 the above-referenced matter, by placing a copy of said documents in the U.S. mail, postage
14 prepaid, to all parties or their counsel of record.

15 DATED this 20 day of March, 2010, at Olympia, Washington.

16
17 
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19 MARTIN MARINO
20 TACOS CALIFORNIA, INC., LICENSEE
21 d/b/a CANCUN PLAZA
22 909 SLEATER KINNEY RD STE #6
23 LACEY, WA 98503-1103

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

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DECLARATION OF SERVICE BY
MAIL

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