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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:  
  
ROGUEHERO.COM, INC. d/b/a  
THE ROGUEHERO SPORTS BAR  
  
1313 N. STATE STREET  
BELLINGHAM, WA 98225  
  
LICENSEE  
  
LICENSE NO. 354025  
AVN NOS. 3B9205A and 3B9310A

LCB NO. 23,558  
23,608  
  
FINAL ORDER OF THE BOARD  
  
[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) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, ROGUEHERO.COM, INC. d/b/a THE ROGUEHERO SPORTS BAR (Licensee) of Bellingham, Washington, through its attorney, THOMAS H. FRYER, and the parties having voluntarily entered into a stipulated settlement agreement for AVN Numbers 3B9205A and 3B9310A, Case Number 23,558 and 23,608, 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:

///  
///

1 IT IS HEREBY ORDERED that AVN Numbers 3B9205A and 3B9310A for Case  
2 Number 23,558 and 23,608 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) five hundred dollars (\$500.00) in LCB Number 23,558 and  
5 (2) five hundred dollars (\$500) in LCB Number 23,608 for a total of one thousand dollars  
6 (\$1000.00). 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 ten (10) 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 26 day of April, 2010.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 Sharon Foster  
16 Ruthann Kuwore  
17

**RECEIVED**

APR 22 2010

**LIQUOR CONTROL BOARD  
BOARD ADMINISTRATION**

**STATE OF WASHINGTON  
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 23,558  
23,608

ROGUEHERO.COM, INC. d/b/a  
THE ROGUEHERO SPORTS BAR

STIPULATED SETTLEMENT  
AGREEMENT

1313 N. STATE STREET  
BELLINGHAM, WA 98225

LICENSEE

LICENSE NO. 354025  
AVN NOS. 3B9205A and 3B9310A

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 ROGUEHERO.COM, INC. d/b/a THE ROGUEHERO SPORTS BAR (Licensee) of Bellingham, Washington, through its attorney, THOMAS H. FRYER, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case numbers 23,558 and 23,608, arising from Administrative Violation Notices (AVNs) 3B9205A and 3B9310A.

**I. INTRODUCTION**

1. In LCB No. 23,558, Enforcement issued an AVN alleging that on or about March 15, 2009, (1) the above-named licensee, or employee(s) thereof, allowed a person apparently under the influence of liquor to buy, possess, or consume liquor on the licensed premises, contrary to RCW 66.44.200 and/or WAC 314-16-150; and (2) the above-named

THE ROGUEHERO SPORTS BAR  
LCB NOS. 23,558 AND 23,608

1

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

STIPULATED SETTLEMENT  
AGREEMENT

1 Licensee, or employee thereof, was apparently intoxicated on the premises, contrary to WAC  
2 314-11-015(3)(a).

3 2. In LCB No. 23,608, Enforcement issued an AVN alleging that on or about  
4 November 6, 2009, the above-named licensee or employee thereof, consumed liquor while  
5 working on the licensed premises, contrary to WAC 314-11-015(3)(d).

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

## 8 II. AGREEMENT OF THE PARTIES

9 Prior to the filing of an administrative complaint, Enforcement and the Licensee have  
10 agreed to resolve AVN Nos. 3B9205A and 3B9310A via settlement. Enforcement and the  
11 Licensee agree to the following:

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

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

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

20 4. In AVN No. 23,558, The Licensee admits that:

21 a. on or about March 15, 2009, the above-named licensee, or employee(s)  
22 thereof, allowed a person apparently under the influence of liquor to buy, possess, or consume  
23 liquor on the licensed premises, contrary to RCW 66.44.200 and/or WAC 314-16-150.

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

1 agrees to withdraw the allegation that the Licensee or an employee thereof, was apparently  
2 intoxicated on the premises, contrary to WAC 314-11-015(3)(a).

3 5. In AVN No. 23,608, the Licensee admits that on or about November 6, 2009,  
4 the above-named licensee or employee thereof, consumed liquor while working on the licensed  
5 premises, contrary to WAC 314-11-015(3)(d).

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

7 a. A first violation for selling liquor to an apparently intoxicated person  
8 and/or allowing and/or permitting an apparently intoxicated person to consume and/or possess  
9 alcohol on the licensed premises is a five (5) day suspension of its liquor license or a five  
10 hundred dollar (\$500) monetary penalty.

11 b. A first violation for the licensee or employee consuming liquor while  
12 working on the licensed premises is a five (5) day suspension of its liquor license or a five  
13 hundred dollar (\$500) monetary penalty.

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

16 7. The parties agree that:

17 a. In LCB No. 23,558, the Licensee will pay a monetary penalty of five  
18 hundred dollars (\$500.00).

19 b. In LCB No. 23,608, the Licensee the Licensee will pay a monetary  
20 penalty of five hundred dollars (\$500.00).

21 8. The Licensee shall pay a total monetary penalty of one thousand dollars  
22 (\$1,000) no later than thirty (30) days after the date of the Final Order of the Board. Payment  
23 shall be sent to:

24 Washington State Liquor Control Board  
25 P.O. Box 43085  
26 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 ten (10) 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  
12 ROBERT M. MCKENNA  
Attorney General

13   
14 \_\_\_\_\_  
BRIAN J. CONSIDINE, WSBA #39517  
15 Assistant Attorney General  
Attorneys for LCB Enforcement

4/21/10  
\_\_\_\_\_  
DATE

16   
17 \_\_\_\_\_  
THOMAS H. FRYER, WSBA #22,955  
18 Attorney for the Licensee

4/15/10  
\_\_\_\_\_  
DATE

19   
20 \_\_\_\_\_  
STEVEN DUTHIE  
21 Agent for the Licensee

3/19/10  
\_\_\_\_\_  
DATE



**Washington State  
Liquor Control Board**

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May 7, 2010

Roguehero.com, Inc.  
d/b/a The Roguehero Sports Bar  
PO Box 2152  
Bellingham, WA 98227-2152

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 NO. 3B9205A and 3B9310A  
LICENSEE: Roguehero.com, Inc.  
TRADE NAME: The Roguehero Sports Bar  
LOCATION: 1313 N State St, Bellingham, WA 98225  
LICENSE NO. 354025  
LCB HEARING NO. 23,558 and 23,608  
UBI: 602 216 018 001 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 June 7, 2010 or suspension will take place at 10:00 a.m. on June 18, 2010 until 10:00 a.m. on June 28, 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 that reads "Kevin McCarroll".

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (3)

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

1  
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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NOS. 23,558 and 23,608

5 ROGUEHERO.COM, INC.  
6 d/b/a THE ROGUEHERO SPORTS  
7 BAR  
8 1313 N STATE ST  
9 BELLINGHAM, WA 98225

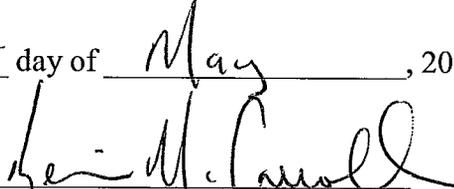
DECLARATION OF SERVICE BY  
MAIL

LICENSEE

10 LICENSE NO. 35425  
11 AVN NOS. 3B9205A and 3B9310A

12 I declare under penalty of perjury under the laws of the state of Washington that on  
13 May 7, 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 7<sup>th</sup> day of May, 2010, at Olympia, Washington.

17  
18   
19 Kevin McCarroll, Adjudicative Proceedings Coordinator

20 ROGUEHERO.COM, INC.  
21 d/b/a THE ROGUEHERO SPORTS BAR  
22 PO BOX 2152  
23 BELLINGHAM, WA 98227-2152

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

24 ROGUEHERO.COM, INC.  
25 d/b/a THE ROGUEHERO SPORTS BAR  
26 1313 N STATE ST  
BELLINGHAM, WA 98225

DECLARATION OF SERVICE BY  
MAIL