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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. 23,578

DAVID & DOROTHY VISKUP
d/b/a
M STREET ALE HOUSE
5444 SOUTH M STREET
TACOMA, WA 98408

FINAL ORDER OF THE BOARD

~~PROPOSED~~

LICENSEE

LICENSE NO. 353428

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, David and Dorothy Viskup d/b/a M Street Alehouse (Licensee) represented by DAVID VISKUP, Owner, 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 the Board accepts, adopts and incorporates herein by reference the stipulated settlement agreement between Enforcement and the Licensee in the above-captioned matter and further that the violation set forth and charged in the Complaint dated January 25, 2010, issued by the Board in the above-captioned matter is sustained and the Licensee shall pay a total monetary penalty of three hundred dollars (\$300) for the above-

1 referenced violation. This amount shall be paid within thirty (30) days of the date of this order.

2 Payment shall be sent to:

3 Washington State Liquor Control Board
4 PO Box 43085
Olympia, WA 98504-3085

5 In the event the Licensee fails to make a full and timely payment, the Licensee shall serve a
6 five (5) day suspension of its liquor license, the dates and time of which shall be set by the
7 Washington State Liquor Control Board.

8 DATED this 26 day of April, 2010.

9
10 WASHINGTON STATE LIQUOR CONTROL BOARD

11 Sharon Foster

12 Ruthann Kuwore

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RECEIVED

APR 20 2010

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. 23,578

DAVID & DOROTHY VISKUP
d/b/a
M STREET ALE HOUSE
5444 SOUTH M STREET
TACOMA, WA 98408

STIPULATED SETTLEMENT
AGREEMENT

LICENSEE

LICENSE NO. 353428

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, David and Dorothy Viskup d/b/a M Street Alehouse (Licensee) represented by DAVID VISKUP, Owner, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,578.

I. INTRODUCTION

The Washington State Liquor Control Board charged the above-named Licensee, in its complaint dated January 25, 2010 with the following violations of the Washington State Liquor Control Board law:

That on or about June 23, 2009, the above-named Licensee, or employee(s) thereof, sold, served or otherwise provided alcohol to a person apparently under the influence of liquor and/or permitted a person apparently under the influence of liquor to possess, and/or consume liquor on the licensed premises, contrary to RCW 66.44.200(1) and WAC 314-29-020.

STIPULATED SETTLEMENT
AGREEMENT

M STREET ALE HOUSE.
LCB NO. 23,578

1

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

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

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 Complaint. The Licensee
8 hereby voluntarily withdraws its request for a hearing in this matter.

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. The Licensee admits to the violation set forth in the above referenced
12 complaint: that on or about June 23, 2009, the above-named Licensee, or employee(s) thereof,
13 sold, served or otherwise provided alcohol to a person apparently under the influence of liquor
14 and/or permitted a person apparently under the influence of liquor to possess, and/or consume
15 liquor on the licensed premises, contrary to RCW 66.44.200(1) and WAC 314-29-020.

16 4. The Licensee acknowledges this is the Licensee's first violation of this type
17 within a twenty four month period, which carries a standard monetary penalty of five hundred
18 dollars (\$500) or a five day suspension of the liquor license.

19 5. The Licensee agrees to pay a total monetary penalty of three hundred dollars
20 (\$300) for the above-referenced violation. This amount shall be paid within thirty (30) days of
21 the date of the final order of the Washington State Liquor Control Board. Payment shall be
22 made to the Washington State Liquor Control Board no later than 4:00 p.m. on the applicable
23 date.

24 6. In the event that the Licensee does not make a timely payment, as required by
25 Section II, Paragraph 5, the Licensee shall serve a five (5) day suspension of its liquor license,
26

1 pursuant to WAC 314-29-020; the dates and times of which shall be set by the Washington
2 State Liquor Control Board.

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

5 STIPULATED AND AGREED this 19 day of April 2010.

6 ROBERT M. MCKENNA
7 Attorney General

8 
9 GORDON KARG, WSBA #37178
Assistant Attorney General
10 Attorneys for Washington State
Liquor Control Board Education and
11 Enforcement Division

12 
13 DAVID VISKUP
14 Owner,
15 David & Dorothy Viskup d/b/a
16 M Street Ale House
17 Licensee



**Washington State
Liquor Control Board**

May 7, 2010

David Viskup and Dorothy Viskup, Licensees
d/b/a M Street Ale House
5444 South M Street
Tacoma, WA 98408-3529

Gordon Karg, 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. 1S9174A
LICENSEE: David Viskup and Dorothy Viskup
TRADE NAME: M Street Ale House
LOCATION: 5444 South M Street, Tacoma, WA 98408-3529
LICENSE NO. 353428
LCB HEARING NO. 23,578
UBI: 600 394 627 001 0005**

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 from 11:00 a.m. on June 18, 2010 until 11:00 a.m. on June 23, 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 NO. 23,578

5 DAVID VISKUP AND DOROTHY
6 VISKUP
7 d/b/a M STREET ALE HOUSE
8 5444 SOUTH M STREET
9 TACOMA, WA 98408-3529

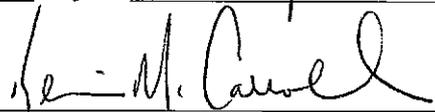
DECLARATION OF SERVICE BY
MAIL

LICENSEE

10 LICENSE NO. 353428
11 AVN NO.1S9174A

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 7th day of May, 2010, at Olympia, Washington.

17 

18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19
20 DAVID VISKUP AND DOROTHY VISKUP,
21 LICENSEES
22 d/b/a M STREET ALE HOUSE
23 5444 SOUTH M STREET
24 TACOMA, WA 98408-3529

GORDON KARG, 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