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**STATE OF WASHINGTON  
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

NO. 23,581

JAMES DEPREE d/b/a  
BELLOWS BAR AND GRILL

FINAL ORDER OF THE BOARD

112 CHERRY STREET  
BURLINGTON, WA 98233

[PROPOSED]

LICENSEE

LICENSE NO. 355538  
AVN NO. 3B9157C

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division having been represented by its attorneys; ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and JAMES DEPREE d/b/a BELLOWS BAR AND GRILL (Licensee) of Burlington, Washington, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board No. 23,581, arising from Administrative Violation Notice (AVN) No. 3B9157C, 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:

IT IS HEREBY ORDERED that the violation set forth in Administrative Violation Notice No. 3B9157C is sustained.

1 It is FURTHER ORDERED that there shall be no assessment of fees or suspension  
2 associated with this violation, as the licensee has sold the business.

3  
4 DATED this 3 day of December, 2009.

5  
6 WASHINGTON STATE LIQUOR CONTROL BOARD

7 Sharon Foster

8 Ruthann Kurose

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25 JAMES DEPREE  
d/b/a BELLOWS BAR AND GRILL  
26 LCB NO. 23,581  
LICENSE 355538, AVN 3B9157C

**RECEIVED**

NOV 25 2009

**LIQUOR CONTROL BOARD  
BOARD ADMINISTRATION**

**STATE OF WASHINGTON  
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

NO. 23,581

JAMES DEPREE d/b/a  
BELLOWS BAR AND GRILL

STIPULATED SETTLEMENT  
AGREEMENT

112 CHERRY STREET  
BURLINGTON, WA 98233

LICENSEE

LICENSE NO. 355538  
AVN NO. 3B9157C

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 JAMES DEPREE d/b/a BELLOWS BAR AND GRILL (Licensee) of Burlington, Washington, hereby enter into this stipulated settlement agreement for Liquor Control Board.

**I. INTRODUCTION**

The Washington State Liquor Control Board Enforcement Division issued to the Licensee AVN No. 3B9157C, alleging that on or about June 6, 2009, an employee of the Licensee was apparently intoxicated while working on the licensed premises, in violation of WAC 314-11-015(3)(a).

1 **II. AGREEMENT OF THE PARTIES**

2 Enforcement and the Licensee agree to the following:

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

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

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

11 4. The Licensee admits to the violation set forth in AVN No. 3B9157C.  
12 Specifically, on or about June 6, 2009, an employee of the Licensee was apparently intoxicated  
13 while working on the licensed premises, in violation of WAC 314-11-015(3)(a).

14 5. The Licensee admits that subsequent to the issuance of the AVN and his request  
15 for an administrative hearing, the Licensee sold the business and he is no longer involved in  
16 the daily operations of the business located at 112 Cherry Street, Burlington, WA 98233.

17 6. The parties agree that the standard penalty for a second violation of an  
18 employee being apparently intoxicated on the premises is a 5-days suspension or a \$2,500  
19 monetary option, and that this penalty is no longer a viable option, as the licensee has sold the  
20 business. The parties therefore agree that there will be no assessment of any fees or suspension  
21 associated with this violation.

22 ///

23 ///

24 ///

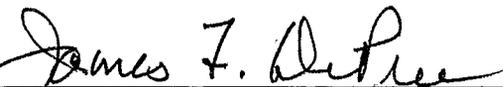
1           7.       The parties recognize that this settlement agreement is subject to approval by  
2 the Washington State Liquor Control Board.

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

7  
8 ROBERT M. MCKENNA  
9 Attorney General

10  
11   
12 BRIAN J. CONSIDINE, WSBA #39517  
13 Assistant Attorney General  
14 Attorneys for LCB Enforcement

11/18/09  
\_\_\_\_\_  
DATE

15   
16 JAMES DEPREE  
17 Licensee, Bellows Bar and Grill

11/17/09  
\_\_\_\_\_  
DATE



**Washington State  
Liquor Control Board**

---

December 4, 2009

James DePree  
d/b/a Bellows Bar and Grill  
307 Laird Place  
Burlington, WA 98233-1628

Brian Considine, AAG  
GCE Division, Office of Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

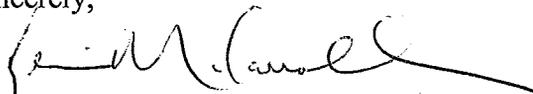
**RE: FINAL ORDER OF THE BOARD  
ADMINISTRATIVE VIOLATION NOTICE NO. 3B9157C  
LICENSEE: James DePree  
TRADE NAME: Bellows Bar and Grill  
LOCATION: 112 Cherry Street, Burlington, WA 98233  
LICENSE NO. 355538  
LCB HEARING NO. 23,581**

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.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

  
Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Bellingham Enforcement and Education Division, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NOS. 23,581

JAMES DEPREE  
d/b/a BELLOWS BAR AND GRILL  
112 CHERRY STREET  
BURLINGTON, WA 98233-1249

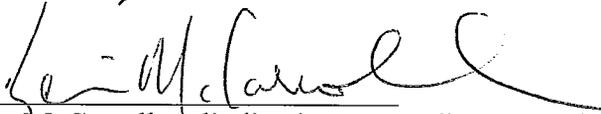
DECLARATION OF SERVICE BY  
MAIL

LICENSEE

LICENSE NO. 355538

I declare under penalty of perjury under the laws of the state of Washington that on December 4, 2009, I served a true and correct copy of the FINAL ORDER OF THE BOARD in the above-referenced matter, by placing a copy of said documents in the U.S. mail, postage prepaid, to all parties or their counsel of record.

DATED this 4<sup>th</sup> day of December, 2009, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

JAMES DEPREE  
d/b/a BELLOWS BAR AND GRILL  
112 CHERRY STREET  
BURLINGTON, WA 98233-1249

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

JAMES DEPREE  
d/b/a BELLOWS BAR AND GRILL  
307 LAIRD PLACE  
BURLINGTON, WA 98233-1628