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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

PROJEKT BAYERN ASSOCIATION

1000 FRONT STREET
LEAVENWORTH, WA 98826

PERMIT HOLDER.

PERMIT NO. 073554
AVN NO. 4E9283A

LCB NO. 23,619

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 Permit Holder, PROJEKT BAYERN ASSOCIATION (Permit Holder) through its attorney, SALLY GUSTAFSON GARRATT, and the parties having voluntarily entered into a stipulated settlement agreement for amended AVN Number 4E9283A, Case Number 23,619, 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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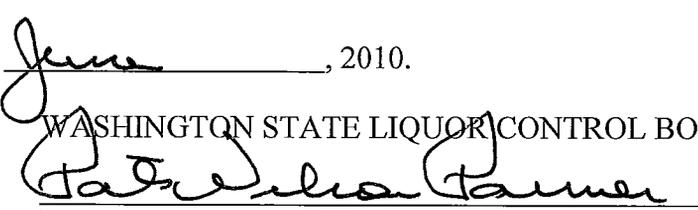
1 IT IS HEREBY ORDERED that the allegation set forth in amended AVN No.
2 4E9283A is sustained and the Permit Holder shall pay a monetary penalty of two hundred and
3 fifty dollars (\$250.00) to:

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

7 In the event the Permit Holder fails to make full and timely payment of the monetary penalty,
8 the Permit Holder shall serve a five (5) day suspension of its special occasion liquor permit, the
9 dates and time of which shall be set by the Washington State Liquor Control Board.

10 DATED this 24th day of June, 2010.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 
13 PAT WILSON PARMER, CHIEF
14 ENFORCEMENT AND EDUCATION DIVISION
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RECEIVED

JUN 22 2010

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,619

PROJEKT BAYERN ASSOCIATION

STIPULATED SETTLEMENT
AGREEMENT

1000 FRONT STREET
LEAVENWORTH, WA 98826

PERMIT HOLDER.

PERMIT NO. 073554
AVN NO. 4E9283A

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and the Permit Holder, PROJEKT BAYERN ASSOCIATION (Permit Holder) through its attorney, SALLY GUSTAFSON GARRATT, hereby enter into this stipulated settlement agreement for Liquor Control Board Case Number 23,619.

I. INTRODUCTION

1. The Enforcement Division issued an amended Administrative Violation Notice No. 4E9283A (AVN) to the above-named Permit Holder alleging that on or about October 10, 2009, that the above-named Permit Holder, or an employee thereof, allowed a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty-one (21), contrary to RCW 66.44.310. See Attachment 1.

2. Amended AVN No. 4E9283A supersedes the original AVN that was served on the above-named Permit Holder on October 14, 2009.

PROJEKT BAYERN ASSOCIATION,
LCB NO. 23,619

1

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

STIPULATED SETTLEMENT
AGREEMENT

1 3. Enforcement and the Permit Holder wish to enter into a settlement
2 agreement (Agreement) concerning the above-referenced amended AVN.

3 **II. AGREEMENT OF THE PARTIES**

4 Prior to the filing of an administrative complaint, Enforcement and the Permit Holder
5 agree to the following:

6 1. Enforcement and the Permit Holder enter into this Agreement to avoid the time
7 and expense of further litigation.

8 2. The Permit Holder explicitly waives the right of further administrative review
9 of all matters related to the above-reference violation. The Permit Holder hereby voluntarily
10 withdraws its request for a hearing on this matter.

11 3. The Permit Holder admits to the violation set forth in amended AVN No.
12 4E9283A. Specifically, it admits that on or about October 10, 2009, the above-named Permit
13 Holder, or an employee(s) thereof, allowed a person under twenty-one (21) years of age to
14 enter and remain in an area classified as off-limits to persons under the age of twenty one (21),
15 contrary to RCW 66.44.310.

16 4. The parties agree that the standard penalty for a first violation for allowing a
17 person under twenty-one (21) years of age to enter and remain in an area classified as off-limits
18 to persons under the age of twenty one (21) is a five (5) day suspension of a special occasion
19 permit or a five-hundred dollar (\$500) monetary penalty.

20 5. Pursuant to this Agreement, the parties agree to an imposition of a two-hundred
21 and fifty dollar (\$250) monetary penalty in lieu of any suspension.

22 6. The Permit Holder shall pay the monetary penalty of two-hundred and fifty
23 dollars (\$250) no later than thirty (30) days from the date of the Final Order of the Board.

24 Payment shall be sent to:

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

1 7. If the Permit Holder subsequently fails to make a full and timely payment of the
2 penalty as required in Section II, Paragraph 6, then the penalty of a five (5) day suspension of
3 the Permit Holder's special occasion liquor permit shall be imposed.

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

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

11 10. The parties recognize that this Agreement is subject to approval by the
12 Washington State Liquor Control Board

13 ROBERT M. MCKENNA
14 Attorney General

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

6/18/10
DATE

19 FREIMUND, JACKSON, TARDIF & BENEDICT GARRATT, PLLC

20 
21 SALLY GUSTAFSON GARRATT, WSBA #7638
22 Attorneys for the Permit Holder

6/14/2010
DATE

23 
24 ROBERT KELLY
25 Representative for Projekt Bayern Association

6/7/10
DATE



Washington State
Liquor Control Board

June 28, 2010

Projekt Bayern Association
12759 Wilson St
Leavenworth, WA 98826-9326

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. 4E9283A
PERMIT HOLDER: Projekt Bayern Association
TRADE NAME: Projekt Bayern Association
LOCATION: 1000 Front Street, Leavenworth, WA 98826
SPECIAL OCCASION PERMIT NO. 073554
LCB HEARING NO. 23,619

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 July 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: Spokane and Wenatchee Enforcement and Education Divisions, WSLCB
Amber Harris, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,619

5 PROJEKT BAYERN ASSOC.

DECLARATION OF SERVICE BY
MAIL

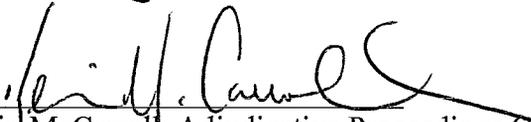
6 1000 FRONT STREET
7 LEAVENWORTH, WA 98826

8 LICENSEE

9 PERMIT NO. 073554
10 AVN: 4E9283A

11 I declare under penalty of perjury under the laws of the state of Washington that on
12 June 28, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in the
13 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 28th day of June, 2010, at Olympia, Washington.

16
17 
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19 PROJEKT BAYERN ASSOCIATION
20 12759 WILSON ST
21 LEAVENWORTH, WA 98826-9326

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

1

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