BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: ERZULIE, LLC, d/b/a WAID'S 1212 E. JEFFERSON STREET SEATTLE, WA 98168 LICENSEE LICENSE NO. 076837-2D	OAH NO. 2010-LCB-0059 LCB NO. 23, 641 FINAL ORDER OF THE BOARD APPROVING SETTLEMENT AGREEMENT AND STATEMENT OF INTENT TO RENEW LIQUOR LICENSE ~~[PROPOSED]~~

The above-titled matter having come before the Board upon a Settlement Agreement between the Enforcement Division of the Washington State Liquor Control Board and the Licensee, and the Board having reviewed the Settlement Agreement and the Statement of Intent to Renew Liquor License:

IT IS HEREBY ORDERED that the Settlement Agreement for Case Number 23,641 is approved;

IT IS FURTHER ORDERED that the Director of Licensing's Statement of Intent to Renew Liquor License is also approved.

DATED this 26th day of June, 2012.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose

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

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JUN 27 2012

Liquor Control Board
Board Administration

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: ERZULIE, LLC d/b/a WAID'S 1212 E. Jefferson Street Seattle, WA 98168 Licensee. LICENSE NO. 076837-2D	OAH No. 2010-LCB-0059 LCB No. 23,641 SETTLEMENT AGREEMENT

The Washington State Liquor Control Board Licensing Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General, and Licensee Erzulie, LLC d/b/a Waid's (Licensee) represented by RAYMOND CONNELL, Attorney, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,641.

I. INTRODUCTION

On February 26, 2010, the City of Seattle objected to the renewal of the Erzulie, LLC d/b/a Waid's (Licensee) liquor license. On August 4, 2010, The Liquor Control Board Licensing Division (Licensing) issued its Statement of Intent to Not Renew Liquor License for the Licensee's liquor license, number 076837-2D. Licensing issued its Statement of Intent to Not Renew the Licensee's liquor license based on RCW 66.24.010(12) and the City of Seattle's Objection that demonstrated a pattern of chronic illegal activity associated with the

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Licensee's licensed premises. The Licensee timely requested a hearing on August 13, 2010. The Licensee and Licensing now wish to enter into this settlement agreement (Agreement) concerning the above-referenced case.

II. AGREEMENT OF THE PARTIES

The parties agree to the following:

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

2. The Licensee explicitly waives the right of further administrative review of all matters related to the above referenced non-renewal of the Licensee's liquor license. The Licensee hereby voluntarily withdraws its requests for a hearing in this matter.

3. Licensing agrees to withdraw its Statement of Intent to Not Renew Liquor License issued on August 4, 2010, and it agrees to renew the Licensee's liquor license with the following conditions/restrictions imposed upon the Licensee's liquor license:

(a) The Licensee's entire licensed premises shall be off-limits to any person under the age of twenty-one years; except the Licensee will be allowed to have an all ages Blues Night so long as the Licensee has three (3) security personnel on the premises and the patrons wear wrist bands to segregate by age;

(b) The Licensee shall have an employee as security at its main entrance after 10pm while the business is open;

(c) The Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other additional person or group;

(d) In addition to the one security person at the door, the Licensee shall have an additional security person for every seventy-five (75) occupants on the licensed premises;

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(e) All security personnel shall have a Mandatory Alcohol Server Training (MAST) Permit before they can work on the Licensee's premises. The Licensee will provide Licensing with proof of each security personnel's MAST Permit before the security personnel can work on the licensed premises;

(f) All security personnel shall have successfully completed the Seattle Police Department's security training before they can work on the Licensee's premises. The Licensee will provide Licensing with each security personnel's proof of completion of the Seattle Police Department Security Training before the security personnel can work on the licensed premises;

(g) The Licensee shall not commit a public safety violation, as stated in WAC 314-29-020, within twenty-four months from the date of the Board's final order in this matter; and

(h) The Licensee agrees that Licensing can immediately terminate its liquor license if the Licensee commits a public safety violation, as stated in WAC 314-29-020, within twenty-four months from the date Licensing's Statement of Intent to Renew is issued in this matter.

4. The Licensee agrees to the renewal of its liquor license with Licensing's conditions/restrictions identified in Section II, Subsection 3(a)-(h).

5. The parties agree that any violation of this Agreement will be good and sufficient grounds for Licensing to revoke the Licensee's liquor license.

6. The conditions/restrictions agreed to in Section II, Subsection 3(a)-(h) will take effect thirty (30) days after the Licensing issues its Statement of Intent to Renew in this matter.

7. After twenty-four months from the date of Licensing's Statement of Intent to Renew is issued in this matter, the parties agree that the Licensee may petition Licensing and request that it remove some/all of the restrictions/conditions imposed in this agreement. The parties understand that Licensing

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is not obligated to remove some/all of the restrictions/conditions imposed in this Agreement and the removal of restrictions/conditions imposed in this Agreement is at Licensing's discretion.

8. The undersigned parties declare that the terms of this Agreement are completely read, wholly understood, and voluntarily accepted for the purpose of making a full and final compromise and settlement of any and all issues arising in the above-referenced case.

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

ROBERT M. MCKENNA
Attorney General

BRIAN J. CONSIDINE, WSBA #39517 DATE 8/10/11
Assistant Attorney General
Attorneys for LCB Enforcement

CONNELL, CORDOVA, HUNTER & GAUTSCHI, PLLC

RAYMOND CONNELL, WSBA #16119 8-9-2011
Attorneys for Licensee DATE

WAID SAINVIL 8/9/11
Representative for Erzulie, LLC, Licensee DATE

STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of the Renewal of the liquor license authorizing the privileges as a Spirits/Beer/Wine Restaurant Lounge + from: Sainvil Waid Erzulie LLC 11814 12th Ave S Seattle WA 98168-2134 Location Address: 1212 E Jefferson St Seattle WA 98122 License Application No. 076837	LCB No. 23,641 **STATEMENT OF INTENT TO RENEW LIQUOR LICENSE**

The authority of the Washington State Liquor Control Board in this proceeding is based on the provisions of Title 66 Revised Code of Washington (RCW) and Title 314 Washington Administrative Code (WAC).

1. LICENSE HISTORY

1.1 Respondent has held a liquor license since July 12, 2006.

2. SUMMARY OF RELEVANT FACTS

2.1 On February 26, 2010, The city of Seattle submitted a timely objection to the license renewal of the Spirits/Beer/Wine Restaurant + Lounge license for the Erzulie, LLC d/b/a Waid's.

2.2 The city of Seattle solely relied upon RCW 66.24.010(12)-chronic illegal activity-as the basis for its objection.

2.3 On August 4, 2010, the Liquor Control Board Licensing Division (Licensing) issued its Statement of Intent to Not Renew Liquor License for the Licensee's liquor license, number 076837-2D

2.4 On August 10, 2011, Licensing and the Licensee entered into a Settlement Agreement, whereby Licensing agrees to withdraw its Statement of Intent to Not Renew Liquor License issued on August 4, 2010 and agrees to renew the Licensee's liquor license with the following conditions/restrictions imposed upon the Licensee's liquor license:

a) The Licensee's entire licensed premises shall be off-limits to any person under the age of twenty-one years; except the Licensee will be allowed to have an all ages Blues Night so long as the Licensee has three(3) security personnel on the premises and the patrons wear wrist bands to segregate by age;

b) The Licensee shall have an employee as security at its main entrance after 10 pm while the business is open;

c) The Licensee, or its employees, shall always have control over and be responsible for any person allowed onto its premises and it shall not delegate any control or responsibility to a promoter or any other additional person or group;

d) In addition to the one security person at the door, the Licensee shall have an additional security person for every seventy-five (75) occupants on the licensed premises;

e) All security personnel shall have a Mandatory Alcohol Server Training (MAST) Permit before they can work on the Licensee's premises. The Licensee will provide Licensing with proof of each security personnel's MAST Permit before the security personnel can work on the licensed premises;

f) All security personnel shall have successfully completed the Seattle Police Department's security training before they can work on the Licensee's premises. The Licensee will provide Licensing with each security personnel's proof of completion of the Seattle Police Department Security Training before the security personnel can work on the licensed premises;

g) The Licensee shall not commit a public safety violation, as stated in WAC 314-29-020, within twenty four (24) months from the date of the Board's final order in this matter; and

h) The Licensee agrees the Licensing can immediately terminate its liquor license if the Licensee commits a public safety violation, as stated in WAC 314-29-020, within twenty-four (24) from the date Licensing's Statement of Intent to Renew is issued in this matter.

3. RELEVANT AUTHORITY AND CONCLUSIONS

3.1 Consideration of the matters outlined in paragraphs 2.1 through 2.4 are provided under the provisions of RCW 66.24.010(2).

3.2 The data and information submitted by the city of Seattle in their objection to the renewal of the Licensee's liquor license did not support their allegation of chronic illegal activity.

3.3 The conditions/restrictions referenced in paragraph 2.4 address any concerns of the Licensee serving alcohol to under-age patrons and allowing minors to frequent the Licensee's premise.

Based on those materials, having concluded as set forth above, the Licensing Director intends to renew the liquor license of Waid's with conditions/restrictions as outlined in the August 10, 2011 Settlement Agreement.

DATED this 15th day of August, 2011.

Alan E. Rathbun, Director
Licensing & Regulation Division

The Washington State Liquor Control Board has a policy of providing equal access to its services.

This document was mailed to the following people:

James Kenny Seattle City Attorney 700 5th Avenue, Ste 5350 Seattle, WA 98124-4667	Sainvil Waid Erzulie LLC 11814 12th Ave S Seattle WA 98168-2134

Washington State
Liquor Control Board

June 28, 2012

Raymond Connell, Attorney for Licensee
Connell, Cordova, Hunter & Gautschi, PLLC
6333 Seward Park Ave S
Seattle, WA 98118-3054

Waid Sainvil
Representative for Erzulie, LLC, Licensee
11814 12th Ave S
Seattle, WA 98168-2134

Matthew York, Assistant Seattle City Attorney
Seattle City Hall
600 4th Ave, Floor 5
Seattle, WA 98124-4667

Gordon Karg, Assistant Attorney General
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: ***FINAL ORDER OF THE BOARD***
LICENSEE: Erzulie, LLC
TRADE NAME: Waid's
LOCATION: 1212 E Jefferson St, Seattle, WA 98122-5536
LICENSE NO. 076837-2D
OAH NO. 2012-LCB-0059
LCB HEARING NO.23,641
UBI: 6026006460010001

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter, as well as a copy of the Settlement Agreement and Statement of Intent to Renew Liquor License.

If you have any questions, please contact me at (360) 664–1717.

Sincerely,

Samantha Trotter
Confidential Secretary

Enclosures (4)
cc: Tukwila and Seattle Enforcement and Education Divisions, WSLCB
Beth Lehman, Licensing Supervisor, WSLCB
Kevin McCarroll, Adjudicative Proceedings Coordinator

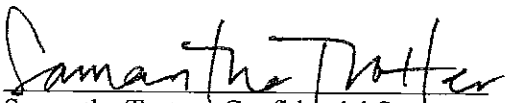
WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: ERZULIE, LLC d/b/a WAID'S 1212 E JEFFERSON ST SEATTLE, WA 98168 LICENSEE LICENSE NO. 076837-2D	OAH NO. 2012-LCB-0059 LCB NO. 23,641 DECLARATION OF SERVICE BY MAIL

I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING SETTLEMENT AGREEMENT AND STATEMENT OF INTENT TO RENEW LIQUOR LICENSE in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for Licensees, by Campus Mail for the Office of Attorney General, on the date below to:

RAYMOND CONNELL, ATTORNEY FOR LICENSEE CONNELL, CORDOVA, HUNTER & GAUTSCHI, PLLC 6333 SEWARD PARK AVE S SEATTLE, WA 98118-3054	WAID SAINVIL REPRESENTATIVE FOR ERZULIE, LLC, LICENSEE 11814 12TH AVE S SEATTLE, WA 98168-2134
MATTHEW YORK, ASSISTANT SEATTLE CITY ATTORNEY SEATTLE CITY HALL 600 4TH AVE, FLOOR 5 SEATTLE, WA 98124-4667	MAIL STOP: 40100 GORDON KARG, ASSISTANT ATTORNEY GENERAL GCE DIVISION, OFFICE OF ATTORNEY GENERAL

DATED this 28th day of June, 2012, at Olympia, Washington.



Samantha Trotter, Confidential Secretary

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3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
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Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

MEMORANDUM

DATE: June 20, 2012

TO: Washington State Liquor Control Board Members
MS: 43076

FROM: Gordon Karg, Assistant Attorney General GPK
Government Compliance & Enforcement Division
MS: 40100

SUBJECT: **Recommendation To Accept Settlement Agreement**
Erzulie LLC, d/b/a Waid's
Board Hearing File No. 23,641
License No. 076837

Prior to participating in an administrative hearing in this matter, the parties have negotiated an agreed compromise. The parties respectfully present this agreed compromise, in the form of a Settlement Agreement and Intent to Renew Liquor License, for your review and approval.

The Board's Licensing Division initially issued an Intent to Not Renew the liquor license of Erzulie LLC, d/b/a Waid's (Licensee) based upon objections filed by the City of Seattle (City) pursuant to RCW 66.24.010(12). The Licensee sought a formal administrative hearing in the matter. During the course of that litigation, prior to a formal hearing taking place, the Licensing Division and the Licensee reached a settlement agreement in which the Licensee would have its liquor license renewed with substantial restrictions, and subsequently, the Licensing Division issued an Intent to Renew License with the restrictions agreed upon by the parties pursuant to the settlement agreement. The City then sought a formal administrative hearing challenging the Licensing Divisions Intent to Renew the licensee's liquor license. Prior to a formal hearing on the City's challenge, the City withdrew its request for hearing.

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Board Administration

The Licensee's willingness to substantially alter its operating practices and be potentially subjected to severe penalties in the event of any further public safety violation, addresses the concerns of the City. In light of all circumstances, I recommend that you sign the attached Proposed Final Order approving the Settlement Agreement and the Intent to Renew Liquor License.

GK:cg
Attachments
cc: Director of Licensing Alan Rathbun (w/attachments)
Raymond Connell, Attorney for Licensee (w/attachments)
Assistant Seattle City Attorney Matthew York (w/attachments)