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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,645

THE OKANOGAN BAKERY
53 BAWLF RD. #B
OKANOGAN, WA 98840-8214

FINAL ORDER

~~PROPOSED~~

LICENSEE.

APPLICATION NO. 084788

THIS MATTER having come before the Washington State Liquor Control Board (Board) and The Washington State Liquor Control Board Licensing Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and LISA K. ELLEY, Assistant Attorney General, and THE OKANOGAN BAKERY (Applicant) represented by its governing person, JOELLE L. HARTKE, and the Board having considered the Stipulated Settlement Agreement (Settlement Agreement) and Licensing’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 that the Settlement Agreement for Case No. 23,645 is accepted, Licensing’s Intent to Deny the Applicant’s liquor license application is sustained and the Applicant’s Liquor License Application No. 084788 is denied.

IT IS FURTHER ORDERED that the one (1) year waiting period for resubmission of a liquor license application imposed by WAC 314-07-070 is waived, and The Okanogan Bakery

1 may submit a new application for a liquor license under the new business structure as a sole
2 proprietorship following entry of this order.

3 IT IS FURTHER ORDERED that in the event The Okanogan Bakery reapplies for a
4 liquor license under the new business structure as a sole proprietorship and the application is
5 approved, a restriction will be placed on the Applicant's liquor license that prohibits Thomas
6 L. McGregor from being a governing person or participating in the ownership or management
7 of The Okanogan Bakery due to his criminal history.

8
9 DATED this 23 day of September, 2010.

10
11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 Sharon Foster

13 Rutmann Kuwose

14
15 _____

RECEIVED

SEP 15 2010

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,645

THE OKANOGAN BAKERY
53 BAWLF RD. #B
OKANOGAN, WA 98840-8214

STIPULATED SETTLEMENT
AGREEMENT

LICENSEE.

APPLICATION NO. 084788

The Washington State Liquor Control Board (Board) Licensing Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and LISA K. ELLEY, Assistant Attorney General, and THE OKANOGAN BAKERY (Applicant) represented by governing person JOELLE L. HARTKE, hereby enter into this Stipulated Settlement Agreement for Liquor Control Board Case No. 23,645.

I. INTRODUCTION

On March 11, 2010, Licensing issued a Statement of Intent to Deny the Applicant's Liquor License Application No. 084788. The application was denied pursuant to RCW 66.24.010(2), WAC 314-07-040, and WAC 314-07-065(4), based on the criminal history of Thomas L. McGregor, a governing person at the time of application. On March 17, 2010, the Applicant filed a timely request for a formal administrative hearing to appeal Licensing's decision.

The Parties now wish to enter into a settlement agreement (Agreement) concerning the above-referenced matter of the Applicant's liquor license application.

1 **II. AGREEMENT OF THE PARTIES**

2 The Parties agree to the following:

3 1. The Parties enter into this agreement to avoid the time and expense of further
4 litigation. The Applicant explicitly waives the right of further administrative review of all
5 matters related to the above-referenced denial of the Applicant's liquor license application.
6 The Applicant hereby voluntarily withdraws its requests for a hearing in this matter.

7 2. This agreement constitutes the final written expression of all the terms of this
8 agreement and is a complete and exclusive statement of these terms.

9 3. The Applicant agrees to accept Licensing's decision of March 11, 2010, to deny
10 the application for a liquor license pursuant to RCW 66.24.010(2), WAC 314-07-040, and
11 WAC 314-07-065(4), based on the criminal history of Thomas L. McGregor, a governing
12 person at the time of application .

13 4. The parties stipulate that, subsequent to the original date of application, the
14 Applicant changed the business structure of The Okanogan Bakery. The Okanogan Bakery is
15 no longer a general partnership, and Thomas L. McGregor is no longer a governing person.
16 The Okanogan Bakery is now sole proprietorship, and Joelle L. Hartke is the sole governing
17 person. The Applicant changed the business structure of The Okanogan Bakery without notice
18 to the Board on or about January 2010, prior to the Board's Notice of Intent to Deny the
19 Applicant's Liquor License.

20 5. The parties agree that The Okanogan Bakery should be permitted to submit a
21 new application for a liquor license under the new business structure as a sole proprietorship.
22 The requirement of WAC 314-07-070 should be waived, and the Applicant should be
23 permitted to submit a new application for a liquor license under the new business structure
24 without waiting one (1) year from the original denial date of the liquor license in the present
25 case.
26

1 6. In the event The Okanogan Bakery reapplies for a liquor license under the new
2 business structure as a sole proprietorship and that application is approved, the Applicant
3 agrees that the Board will impose a restriction on the liquor license that prohibits Thomas L.
4 McGregor from participating in the ownership or management of The Okanogan Bakery due to
5 his criminal history. The Applicant understands that it will be good and sufficient cause to
6 terminate the Applicant's liquor license if Thomas L. McGregor is found to be a manager,
7 owner, or a governing person of The Okanogan Bakery.

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

10
11 STIPULATED AND AGREED this 1st day of September 2010.

12
13 ROBERT M. MCKENNA
14 Attorney General

15 
16 LISA K. ELLEY, WSBA #26846
17 Assistant Attorney General
18 Attorneys for Washington State
19 Liquor Control Board Licensing Division

20 
21 JOELLE L. HARTKE
22 Governing Person, The Okanogan Bakery



Washington State
Liquor Control Board

September 24, 2010

Joelle L. Hartke and Thomas L. McGregor
d/b/a The Okanogan Bakery
53 Bawlf Rd #B
Okanogan, WA 98840-8214

Lisa K. Elley, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

**RE: FINAL ORDER
DENIAL OF LIQUOR LICENSE APPLICATION
APPLICANT: Joelle L. Hartke and Thomas L. McGregor
TRADE NAME: The Okanogan Bakery
LOCATION: 96 Pine Street Okanogan, WA 98840-9690
LICENSE APPLICATION NO. 084788-4H
LCB HEARING NO. 23,645
UBI: 6029196050010001**

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 the Settlement Agreement.

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: Beth Lehman, Licensing Supervisor, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,645

5 JOELLE L. HARTKE AND THOMAS
6 L. MCGREGOR
7 d/b/a THE OKANOGAN BAKERY
8 96 PINE STREET
9 OKANOGAN, WA 98840-9690

DECLARATION OF SERVICE BY
MAIL

10 **APPLICANT**

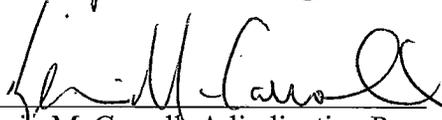
11 APPLICATION NO. 084788

12 I certify that I caused a copy of the FINAL ORDER in the above-referenced matter to
13 be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated
14 Mail Service for Licensees; by Campus Mail for the Office of Attorney General, on the date
15 below to:

16 JOELLE L. HARTKE AND THOMAS L.
17 MCGREGOR
18 d/b/a THE OKANOGAN BAKERY
19 53 BAWLF RD #B
OKANOGAN, WA 98840-8214

LISA K. ELLEY, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

20 DATED this 24th day of September, 2010, at Olympia, Washington.

21
22 
23 Kevin McCarroll, Adjudicative Proceedings Coordinator

24
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DECLARATION OF SERVICE BY
MAIL

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