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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:
K & E INVESTMENTS SPOKANE, INC.
d/b/a THE LION'S LAIR
205 WEST RIVERSIDE
SPOKANE, WA 99201

LICENSEE.

LICENSE NO. 088142
AVN NO. 409351A

LCB NO. 23,662
OAH NO. 2010-LCB-0044

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 having been represented by its attorneys, ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, K & E INVESTMENTS SPOKANE, INC. d/b/a THE LION'S LAIR (Licensee), represented by DAVID OSGOOD, attorney for Licensee, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board case No. 23,662 (AVN No. 409351A), 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 Violation No. 2 set forth in the Amended Complaint dated August 18, 2010, based on AVN 409351A, is sustained and that the allegations in

1 Violation No. 1 set forth in the Amended Complaint are dismissed with prejudice and do not
2 form any part of the factual basis for the sustained violation.

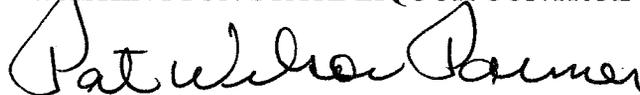
3 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of five
4 hundred dollars (\$500) to:

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

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

11 DATED this 14th day of June, 2011.

12 WASHINGTON STATE LIQUOR CONTROL BOARD

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14 PAT WILSON PARMER, CHIEF
15 ENFORCEMENT AND EDUCATION DIVISION
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RECEIVED

JUN 07 2011

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

K & E INVESTMENTS SPOKANE, INC.
d/b/a THE LION'S LAIR
205 WEST RIVERSIDE
SPOKANE, WA 99201

LICENSEE.

LICENSE NO. 088142
AVN NO. 409351A

LCB NO. 23,662
OAH NO. 2010-LCB-0044

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board (LCB) Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, K & E INVESTMENTS SPOKANE, INC. d/b/a THE LION'S LAIR (Licensee), represented by DAVID OSGOOD, attorney for Licensee, hereby enter into this stipulation and settlement agreement for LCB case No. 23,662.

INTRODUCTION

1. The Washington State Liquor Control Board, by Amended Complaint dated August 18, 2010, alleged that the Licensee, or an employee(s) thereof: 1) did sell, supply or otherwise provide liquor to a person apparently under the influence of liquor, contrary to RCW 66.44.200; and 2) did sell, supply or otherwise provide liquor to a person apparently under the influence of liquor, contrary to RCW 66.44.200. The Amended Complaint alleges

STIPULATED SETTLEMENT
AGREEMENT

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ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 644-9006

1 that all of the relevant acts occurred on or about and during the period intervening December
2 17, 2009.

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

5 I. AGREEMENT OF THE PARTIES

6 Enforcement and the Licensee agree to the following:

7 1. Enforcement and the Licensee enter into this agreement to avoid the time and
8 expense of further litigation.

9 2. The Licensee explicitly waives the right of further administrative review of all
10 matters related to the above-referenced Amended Complaint. The Licensee hereby voluntarily
11 withdraws its request for a hearing on this matter.

12 3. The Licensee disputes the truth of the allegations contained in the Amended
13 Complaint and AVN No. 409351A and specifically denies admission of liability contained in
14 the above-referenced Amended Complaint and AVN. However, in order to take advantage of
15 Enforcement's offer of settlement and to avoid legal expenses attendant with further
16 proceedings, the Licensee agrees that, were this matter to proceed to hearing, there is a
17 substantial likelihood that the Board would find that Count 2 in the Amended Complaint—on
18 or about and during December 17, 2009, the Licensee, or an employee thereof: did sell, supply
19 or otherwise provide liquor to a person apparently under the influence of liquor, contrary to
20 RCW 66.44.200—did occur.

21 4. In consideration for the Licensee's willingness to enter into this agreement,
22 Enforcement agrees that the violation identified in Count 1 of the Amended Complaint should
23 be dismissed.

24 5. The parties agree that for purposes of this Agreement, the Washington State
25 Liquor Control Board will consider that the violation set forth in Count 2 of the Amended
26 Complaint, as specified in Part II, Paragraph 3, of this agreement, has been sustained and will

STIPULATED SETTLEMENT
AGREEMENT

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia WA 98541-0100
(360) 664-9006

1 become a part of the Licensee's violation record and violation set forth in Count 1 of the
2 Amended Complaint will be dismissed.

3 6. The parties agree that for purposes of this Agreement, this is the Licensee's first
4 violation within a twenty-four month period for sale or service to a person apparently under the
5 influence of liquor, contrary to RCW 66.44.200. The parties also agree that the standard
6 penalty for a violation of this kind is a five (5) day suspension of the Licensee's liquor license
7 or a monetary penalty of five hundred dollars (\$500)

8 7. Pursuant to this settlement, the parties agree to imposition of the standard
9 monetary penalty of five hundred dollars (\$500). The monetary penalty will be paid within
10 thirty (30) days of the date of the Final Order of the Board. Payment must be sent to:

11 Washington State Liquor Control Board
12 P.O. Box 43085
13 Olympia, WA 98504-3085

14 8. In the event that the Licensee does not make full and timely payment of the
15 monetary penalty as required in Section II, Paragraph 7, then the Licensee shall serve a five (5)
16 day suspension of its liquor license, the dates and time of which shall be set by the Washington
17 State Liquor Control Board.

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

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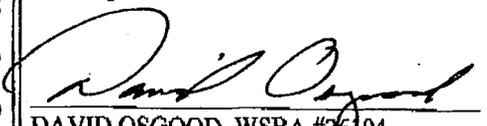
1 10. The parties recognize that this settlement agreement is subject to approval by
2 the Washington State Liquor Control Board.

4 ROBERT M. MCKENNA
Attorney General

5
6 

7 BRIAN J. CONSIDINE WSBA #39517
Assistant Attorney General
Attorneys for LCB Enforcement

5/17/11
DATE

9 

10 DAVID OSGOOD, WSBA #26104
Attorney at Law for,
K&E Investments Spokane, Inc.
d/b/a The Lion's Lair, Licensee

4/15/11
DATE

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14 KAMERON FINNEGAN
Representative for,
K&E Investments Spokane, Inc.
d/b/a The Lion's Lair, Licensee

4/15/11
DATE

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STIPULATED SETTLEMENT
AGREEMENT

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98547-0100
(360) 654-9006



Washington State
Liquor Control Board

June 16, 2011

David R Osgood, Attorney for Licensee
1411 4th Ave Ste 1506
Seattle, WA 98101-2247

K & E Investments Spokane Inc, Licensee
d/b/a The Lion's Lair
1528 W Courtland Ave
Spokane, WA 99205-2607

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
LICENSEE: K & E Investments Spokane Inc
TRADE NAME: The Lion's Lair
LOCATION: 205 W Riverside, Spokane, WA 99201
LICENSE NO. 088142-40
ADMINISTRATIVE VIOLATION NOTICE NO: 409351A
LCB HEARING NO. 23,662
OAH NO. 2010-LCB-0044
UBI: 602 480 150 001 0002

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 along with a copy of the Stipulated Settlement Agreement.

The applicable monetary penalty is due by July 18, 2011. If payment is not received timely, then suspension will take place from 10:00 a.m. on July 29, 2011 until 10:00 a.m. on August 3, 2011.

The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Administrative Violation Notice Number listed above. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Spokane Enforcement and Education Division, WSLCB
Amber Harris, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 www.liq.wa.gov

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 K & E INVESTMENTS SPOKANE
6 INC d/b/a THE LION'S LAIR
7 205 W RIVERSIDE
8 SPOKANE, WA 99201

9 LICENSEE

10 LICENSE NO. 088142
11 AVN NO. 409351A

LCB NO. 23,662
OAH NO. 2010-LCB-0044

DECLARATION OF SERVICE BY
MAIL

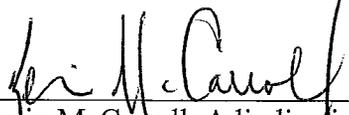
12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees, by Campus Mail for the Office of
15 Attorney General, on the date below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

16 DAVID R OSGOOD, ATTORNEY FOR
17 LICENSEE
18 1411 4TH AVE STE 1506
19 SEATTLE, WA 98101-2247

BRIAN CONSIDINE, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

20 K & E INVESTMENTS SPOKANE INC,
21 LICENSEE
22 d/b/a THE LION'S LAIR
1528 W COURTLAND AVE
SPOKANE, WA 99205-2607

23 DATED this 16th day of June, 2011, at Olympia, Washington.

24
25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

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