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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

JASON L. CLARK

5514 W. WOODSIDE AVE
SPOKANE, WA 98205

PERMIT HOLDER

PERMIT NO. 120 357 234
AVN NO. 409351C

LCB NO. 23,663
OAH NO. 2010-LCB-0042

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 Mandatory Alcohol Server Training (MAST) Permit Holder, JASON L. CLARK (Permit Holder), represented by DAVID OSGOOD, attorney for Permit Holder, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board case No. 23,663 (AVN No. 409351C), 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 409351C, 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.

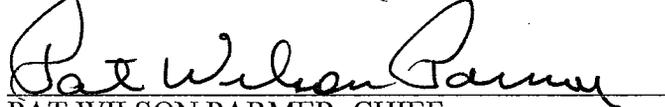
3 IT IS FURTHER ORDERED that the Permit Holder shall pay a monetary penalty of
4 one hundred dollars (\$100) to:

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

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

11 DATED this 24th day of May, 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

MAY 19 2011

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

JASON L. CLARK

5514 W. WOODSIDE AVE
SPOKANE, WA 98205

PERMIT HOLDER

PERMIT NO. 120 357 234
AVN NO. 409351C

LCB NO. 23,663
OAH NO. 2010-LCB-0042

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 Mandatory Alcohol Server Training (MAST) Permit Holder, JASON L. CLARK (Permit Holder), represented by DAVID OSGOOD, attorney for Permit Holder, hereby enter into this stipulation and settlement agreement for LCB case No. 23,663.

INTRODUCTION

1. The Washington State Liquor Control Board, by Amended Complaint dated August 18, 2010, alleged that the Permit Holder: 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 that all of the relevant acts occurred on or about and during the period intervening December 17, 2009.

1 2. Enforcement and the Permit Holder wish to enter into a settlement agreement
2 concerning the above-referenced Amended Complaint.

3 **I. AGREEMENT OF THE PARTIES**

4 Enforcement and the Permit Holder agree to the following:

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

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

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

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

22 5. The parties agree that for purposes of this Agreement, the Washington State
23 Liquor Control Board will consider that the violation set forth in Count 2 of the Amended
24 Complaint, as specified in Part II, Paragraph 3, of this agreement, has been sustained and will
25 become a part of the Permit Holder's violation record and violation set forth in Count 1 of the
26 Amended Complaint will be dismissed.

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

6 7. Pursuant to this settlement, the parties agree to imposition of the standard
7 monetary penalty of one hundred dollars (\$100). The monetary penalty will be paid within
8 thirty (30) days of the date of the Final Order of the Board. Payment must be sent to:

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

12 8. In the event that the Permit Holder does not make full and timely payment of
13 the monetary penalty as required in Section II, Paragraph 7, then the Permit Holder shall serve
14 a five (5) day suspension of his MAST Permit, the dates and time of which shall be set by the
15 Washington State Liquor Control Board.

16 9. This settlement agreement constitutes the final written expression of all the
17 terms of this agreement and is a complete and exclusive statement of these terms, and shall be
18 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.

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4 ROBERT M. MCKENNA
Attorney General

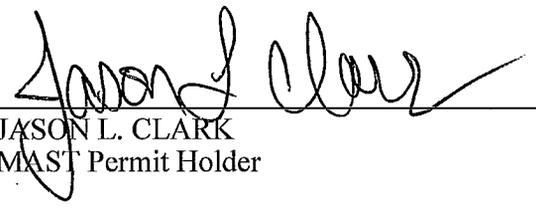
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6 
7 BRIAN J. CONSIDINE WSBA #39517
Assistant Attorney General
Attorneys for LCB Enforcement

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DATE 5/18/11

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11 DAVID OSGOOD, WSBA #26100
Attorney at Law for,
K&E Investments Spokane, Inc.
d/b/a The Lion's Lair, Permit Holder

DATE 5/17/11

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14 
15 JASON L. CLARK
MAST Permit Holder

DATE 5/10/11



Washington State
Liquor Control Board

May 31, 2011

Jason L. Clark,
MAST Permit Holder
5514 W Woodside Ave
Spokane, WA 99208-3846

Brian J. 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
MAST Permit Holder: Jason L. Clark
MAST No. 120 357 234
ADMINISTRATIVE VIOLATION NOTICE NO: 409351C
LCB HEARING NO. 23,663
OAH NO. 2010-LCB-0042

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 June 30, 2011. If payment is not received timely then suspension will take place from 10:00 a.m. on July 15, 2011 until 10:00 a.m. on July 20, 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,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

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

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,663
OAH NO. 2010-LCB-0042

5 JASON L. CLARK,
6 MAST PERMIT HOLDER
7 5514 W WOODSIDE AVE
8 SPOKANE, WA 99208-3846

9 PERMIT HOLDER

DECLARATION OF SERVICE BY
MAIL

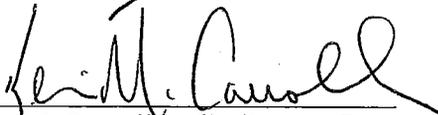
10 MAST 120 357 234
11 AVN 409351C
12

13 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
14 referenced matter to be served on all parties or their counsel of record by US Mail Postage
15 Prepaid via Consolidated Mail Service for Licensees, by Campus Mail for the Office of
16 Attorney General, on the date below to:
17

18 JASON L. CLARK,
19 MAST PERMIT HOLDER
20 5514 W WOODSIDE AVE
SPOKANE, WA 99208-3846

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

21 DATED this 31st day of May, 2011, at Olympia, Washington.

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23 
24 Kevin McCarroll, Adjudicative Proceedings Coordinator
25
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