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**STATE OF WASHINGTON
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

SW ASSOCIATES OF WASHINGTON, INC.
d/b/a WHISPERIN' PALMS RESTAURANT

110 W. MAIN
RITZVILLE, WA 99169

LICENSEE

LICENSE NO. 353818
AVN NOS. 4L0047A, 4L0128A, 4L0191A and
4L0192D

LCB NOS. 23,684
23,686
23,720
23,721

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 LISA K. ELLEY, Assistant Attorney General, and SW ASSOCIATES OF WASHINGTON, INC. d/b/a WHISPERIN' PALMS RESTAURANT (Licensee), and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board (LCB) case numbers 23,684, 23,686, 23,720, and 23,721 arising from Administrative Violation Notices 4L0047A, 4L0128A, 4L0191A and 4L0192A, and the Board having considered the stipulated settlement agreement and the file materials maintained in this case, now therefore

IT IS HEREBY ORDERED the Board accepts, adopts, and incorporates herein by reference the Stipulated Settlement Agreement between Enforcement and the Licensee in the above-captioned matter.

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IT IS FURTHER ORDERED that the Complaints for case numbers 23,684 and 23,686 are sustained and the allegations set forth in the AVNs for case numbers 23,720 and 23,721 are sustained.

IT IS FURTHER ORDERED that Licensee shall voluntarily surrender its liquor license number 353818 as of July 31, 2010, at 2400 hours (midnight). Licensee will physically surrender its liquor license by meeting a Liquor Enforcement Officer at 2400 hours (midnight) on July 31, 2010, at Perkins Restaurant in Ritzville, Washington. Liquor license number 353818 shall be cancelled as of August 1, 2010. The assessment of any fees or suspension time associated with all the above-referenced violations is waived.

DATED this 29th day of July, 2010.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Rethana Kurose

Linda J. Bremer

RECEIVED

JUL 29 2010

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

**STATE OF WASHINGTON
LIQUOR CONTROL BOARD**

IN THE MATTER OF:

SW ASSOCIATES OF WASHINGTON, INC.
d/b/a WHISPERIN' PALMS RESTAURANT

110 W. MAIN
RITZVILLE, WA 99169

LICENSEE

LICENSE NO. 353818
AVN NOS. 4L0047A, 4L0128A, 4L0191A and
4L0192D

LCB NOS. 23,684
23,686
23,720
23,721

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General and LISA K. ELLEY, Assistant Attorney General, and SW ASSOCIATES OF WASHINGTON, INC. d/b/a WHISPERIN' PALMS RESTAURANT (Licensee), hereby enter into this stipulated settlement agreement (Agreement) for Liquor Control Board (LCB) case numbers 23,684, 23,686, 23,720, and 23,721, arising from Administrative Violation Notices (AVNs) 4L0047A, 4L0128A, 4L0191A and 4L0192D.

I. INTRODUCTION

1. In LCB No. 23,684 (AVN No. 4L0047A), the Washington State Liquor Control Board, by Complaint dated July 1, 2010, alleged the following violations:

a. That on or about January 26, 2010, the above named Licensee, or employee(s) thereof, did supply liquor to Walter Foley, a person apparently under the influence of liquor, or did allow Walter Foley, a person apparently under the influence of liquor, to

WHISPERIN' PALMS RESTAURANT,
LCB NOS. 23,684; 23,686; 23,720; AND
23,721

STIPULATED SETTLEMENT
AGREEMENT- 1

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

1 possess and/or consume liquor on the licensed premises, contrary to RCW 66.44.200 and WAC
2 314-16-150;

3 b. That on or about January 26, 2010, the above named Licensee, or
4 employee(s) thereof, did supply liquor to Lisa Hummel, a person apparently under the
5 influence of liquor, or did allow Lisa Hummel, a person apparently under the influence of
6 liquor, to possess and/or consume liquor on the licensed premises, contrary to RCW 66.44.200
7 and WAC 314-16-150;

8 c. That on or about January 26, 2010, the above named Licensee, or
9 employee(s) thereof, did supply liquor to Mark Prunier, a person apparently under the
10 influence of liquor, or did allow Mark Prunier, a person apparently under the influence of
11 liquor, to possess and/or consume liquor on the licensed premises, contrary to RCW 66.44.200
12 and WAC 314-16-150; and

13 d. That on or about January 26, 2010, the above named Licensee, or
14 employee(s) thereof, did consume liquor while working on the licensed premises, contrary to
15 WAC 314.11.015(3)(d).

16 2. In LCB No. 23,686 (AVN No. 4L0128A), the Washington State Liquor Control
17 Board, by Complaint dated July 1, 2010, alleged the following violation: That on or about
18 March 20, 2010, the above named Licensee, or employee(s) thereof, did supply liquor to
19 Deborah Stenzel, a person apparently under the influence of liquor, or did allow Deborah
20 Stenzel, a person apparently under the influence of liquor, to possess and/or consume liquor on
21 the licensed premises, contrary to RCW 66.44.200 and WAC 314-16-150.

22 3. In LCB No. 23,720, the Washington State Liquor Control Board Education and
23 Enforcement Division issued AVN No. 4L0191A on July 16, 2010, to the above-named
24 Licensee, alleging the following violation: That on or about July 10, 2010, the above named
25 Licensee, or employee(s) thereof, did supply liquor to Michael L. Ankney, a person apparently
26 under the influence of liquor, or did allow Michael L. Ankney, a person apparently under the

WHISPERIN' PALMS RESTAURANT,
LCB NOS. 23,684; 23,686; 23,720; AND
23,721

STIPULATED SETTLEMENT
AGREEMENT- 2

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1 influence of liquor, to possess and/or consume liquor on the licensed premises, contrary to
2 RCW 66.44.200 and WAC 314-16-150.

3 4. In LCB No. 23,721, the Washington State Liquor Control Board Education and
4 Enforcement Division issued AVN No. 4L0192D on July 16, 2010, to the above-named
5 Licensee, alleging the following violation: That on or about July 11, 2010, the above-named
6 Licensee, or employee(s) thereof, did consume liquor while working on the licensed premises,
7 contrary to WAC 314.11.015(3)(d).

8 II. AGREEMENT OF THE PARTIES

9 Enforcement and the Licensee agree to the following:

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

12 2. The Licensee explicitly waives the right of further administrative review of all
13 matters related to the above-referenced Complaints and AVNs. Furthermore, the Licensee
14 hereby voluntarily withdraws its requests for hearings in these matters.

15 3. The Licensee admits to the violations set forth in LCB Case Nos. 23,684,
16 23,686, 23,720 and 23,721. Specifically, it admits that:

17 a. On or about January 26, 2010, the Licensee, or employee(s) thereof,
18 supplied liquor to Walter Foley, a person apparently under the influence of liquor;

19 b. On or about January 26, 2010, the Licensee, or employee(s) thereof,
20 supplied liquor to Lisa Hummel, a person apparently under the influence of liquor;

21 c. On or about January 26, 2010, the Licensee, or employee(s) thereof,
22 supplied liquor to Mark Prunier, a person apparently under the influence of liquor;

23 d. On or about January 26, 2010, the Licensee, or employee(s) thereof,
24 consumed liquor while working on the licensed premises;

25 e. On or about March 20, 2010, the Licensee, or employee(s) thereof,
26 supplied liquor to Deborah Stenzel, a person apparently under the influence of liquor;

WHISPERIN' PALMS RESTAURANT,
LCB NOS. 23,684; 23,686; 23,720; AND
23,721

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(360) 664-9006

STIPULATED SETTLEMENT
AGREEMENT- 3

1 f. On or about July 10, 2010, the Licensee, or employee(s) thereof,
2 supplied liquor to Michael L. Ankney, a person apparently under the influence of liquor; and

3 g. On or about July 11, 2010, the Licensee, or employee(s) thereof,
4 consumed liquor while working on the licensed premises.

5 4. The parties agree that the progressive penalty structure for sales to apparently
6 intoxicated persons and employees drinking on duty, found in WAC 314-29-020, is applicable
7 in all of the above-reference cases. The parties agree that based on the progressive penalty
8 structure, Licensee is facing cancellation of its liquor license if found in violation of any four
9 of the five alleged sales to apparently intoxicated persons.

10 5. Licensee agrees to voluntarily surrender its liquor license, number 353818
11 effective July 31, 2010, at 2400 hours (midnight). Licensee will physically surrender its liquor
12 license to a Liquor Enforcement Officer at 2400 hours (midnight) on July 31, 2010, at Perkins
13 Restaurant in Ritzville, Washington. Liquor license number 353818 shall be cancelled as of
14 August 1, 2010.

15 6. In consideration of and for this stipulation, Enforcement agrees to waive the
16 assessment of any fees or suspension associated with all the violations referenced in LCB Case
17 Nos. 23,684, 23,686, 23,720, and 23,721.

18 7. The parties acknowledge that the violations stipulated to in paragraph 3(a)-(g)
19 will become part of the Licensee's violation record.

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

22 9. The undersigned parties declare that the terms of this Agreement are completely
23 read, wholly understood, and voluntarily accepted for the purpose of making a full and final
24 compromise and settlement of any and all violations or claims arising from any of the above-
25 referenced Complaints and AVNs.
26

WHISPERIN' PALMS RESTAURANT,
LCB NOS. 23,684; 23,686; 23,720; AND
23,721

STIPULATED SETTLEMENT
AGREEMENT- 4

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Olympia, WA 98504-0100
(360) 664-9006

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

4 11. The parties acknowledge that Enforcement may seek an Emergency Suspension
5 of Licensee's liquor license if Enforcement becomes aware of any further violations before
6 2400 hours (midnight) on July 31, 2010.

7
8 ROBERT M. MCKENNA
9 Attorney General

10 
11 _____
12 LISA K. ELLEY, WSBA #26846
13 Assistant Attorney General
14 Attorneys for LCB Enforcement

07/29/10

DATE

13 
14 _____
15 STACEY PLUMMER
16 Representative for the Licensee

7/23/10

DATE



**Washington State
Liquor Control Board**

July 29, 2010

Stacey Plummer
SW Associates of Washington, Inc.
d/b/a Whisperin' Palms Restaurant
1889 E Wellsandt Rd
Ritzville, WA 99169-9624

Lisa Elley, 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 NOS. 4L0047A, 4L0128A, 4L0191A, 4L0192A
LICENSEE: SW Associates of Washington, Inc.
TRADE NAME: Whisperin' Palms Restaurant
LOCATION: 110 W Main Ave, Ritzville, WA 99169-1408
LICENSE NO. 353818-4L
LCB HEARING NOS. 23,684, 23,686, 23,720, 23,721
UBI: 602 146 826 001 0001**

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.

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 Divisions, WSLCB
Amber Harris, Enforcement and Education Division, WSLCB
Beth Lehman, Licensing and Regulation, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 SW ASSOCIATES OF
6 WASHINGTON, INC.
7 WHISPERIN' PALMS RESTAURANT
8 110 W MAIN
9 RITZVILLE, WA 99169

10 LICENSEE

11 LICENSE NO. 353818-4L

LCB NOS. 23,684
23,686
23,720
23,721

DECLARATION OF SERVICE BY
MAIL

12 I declare under penalty of perjury under the laws of the state of Washington that on July
13 29, 2010, I served a true and correct copy of the FINAL ORDER OF THE BOARD in the above-
14 referenced matter, by placing a copy of said documents in the U.S. mail, postage prepaid, to all
15 parties or their counsel of record.

16 DATED this 29th day of July, 2010, at Olympia, Washington.

17
18 Kevin McCarroll, Adjudicative Proceedings Coordinator

19
20 SW ASSOCIATES OF WASHINGTON, INC.
21 d/b/a WHISPERIN' PALMS RESTAURANT
22 1889 E WELLSANDT RD
23 RITZVILLE, WA 99169-9624

LISA ELLEY, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
1125 WASHINGTON STREET SE
PO BOX 40100
OLYMPIA, WA 98504-0100

24 SW ASSOCIATES OF WASHINGTON, INC.
25 d/b/a WHISPERIN' PALMS RESTAURANT
26 110 W MAIN AVE
RITZVILLE, WA 99169-1408

DECLARATION OF SERVICE BY
MAIL