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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,689

SONG LEE KIM d/b/a HONEY
TERIYAKI

FINAL ORDER

208 Ferry Street
Sedro Woolley, WA 98284

~~PROPOSED~~

APPLICANT

APPLICATION NO. 355753

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 BRIAN J. CONSIDINE, Assistant Attorney General, and SONG LEE KIM d/b/a HONEY TERIYAKI, Applicant, and the Board having considered the settlement agreement (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 agreement for Case Number 23,689 is accepted, Licensing’s Statement of Intent to Deny Liquor License of the Applicant’s liquor license application is adopted and the Applicant’s Application for Liquor License No. 355753 is denied.

1 IT IS FURTHER ORDERED that the Applicant may not re-apply for a liquor license
2 until May 26, 2011, as required by WAC 314-07-070.

3 DATED this 31 day of August, 2010.

4 WASHINGTON STATE LIQUOR CONTROL BOARD

5 Sharon Foster

6 Putnam Kurse

7 Linda J. Bremer

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**Washington State
Liquor Control Board**

September 1, 2010

Song Lee Kim, Applicant
d/b/a Honey Teriyaki
208 Ferry St
Sedro Woolley, WA 98284-1411

Brian Considine, 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: Song Lee Kim
TRADE NAME: Honey Teriyaki
LOCATION: 208 Ferry St, Sedro Woolley, WA 98284-1411
APPLICATION LICENSE NO. 355753-3C
LCB HEARING NO. 23,689
UBI: 602 544 064 001 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 the Settlement Agreement.

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: Beth Lehman, Licensing Supervisor, WSLCB
Bellingham Enforcement and Education Division, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,689

5 SONG LEE KIM, APPLICANT
6 d/b/a HONEY TERIYAKI
7 208 FERRY ST
8 SEDRO WOOLLEY, WA 98284-1411

DECLARATION OF SERVICE BY
MAIL

LICENSEE

9 APPLICATION NO. 355753

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

14
15
16 SONG LEE KIM, APPLICANT
17 d/b/a HONEY TERIYAKI
18 208 FERRY ST
19 SEDRO WOOLLEY, WA 98284-1411

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

20 DATED this 15th day of September, 2010, at Olympia, Washington.

21 
22 Kevin McCarroll, Adjudicative Proceedings Coordinator

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DECLARATION OF SERVICE BY
MAIL

RECEIVED

AUG 26 2010

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,689

SONG LEE KIM d/b/a HONEY
TERIYAKI

SETTLEMENT AGREEMENT

208 Ferry Street
Sedro Woolley, WA 98284

APPLICANT

APPLICATION NO. 355753

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 SONG LEE KIM d/b/a HONEY TERIYAKI, Applicant, hereby enter into this settlement agreement for Liquor Control Board Case No. 23,689.

I. INTRODUCTION

On May 26, 2010, Licensing issued a Statement of Intent to Deny for the Applicant's Liquor License Application No. 355753. The application was denied for failure to disclose information pursuant to WAC 314-07-065(3) and WAC 314-12-010, and for disqualifying conduct, pursuant to RCW 66.08.030 and WAC 314-07-045. On May 27, 2010, the Applicant filed a timely request for a formal administrative hearing to appeal Licensing's decision because it did not agree with the facts outlined in Licensing's Statement of Intent to Deny.

1 After requesting a hearing in this matter, the Applicant discontinued her business, and no
2 longer operates Honey Teriyaki at 208 Ferry Street in Sedro Woolley, Washington.

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

5 **II. AGREEMENT OF THE PARTIES**

6 Licensing and the Applicant agree to the following:

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

9 2. The Applicant explicitly waives the right of further administrative review of all
10 matters related to the above referenced denial of the Applicant's liquor license application.
11 The Applicant hereby voluntarily withdraws its requests for a hearing in these matters.

12 3. This agreement constitutes the final written expression of all the terms of this
13 agreement and is a complete and exclusive statement of these terms.

14 4. The Applicant denies the truth of the allegations contained in Licensing's
15 Statement of Intent to Deny. However, the Applicant no longer has an interest in the
16 application at issue and does not wish incur the time and expense of litigating this matter.
17 Therefore, in recognition of the fact that if this matter were to proceed to a hearing there is a
18 likelihood that Licensing would prevail because the Applicant has discontinued her business
19 effectively waiving her standing to challenge Licensing's decision in this matter, the Applicant
20 agrees to accept Licensing's decision to not issue the Applicant a liquor license, and, pursuant
21 to WAC 314-07-070, agrees to not re-apply for a liquor license until May 26, 2011.

22 5. The undersigned parties declare that the terms of this Settlement Agreement are
23 completely read, wholly understood, and voluntarily accepted for the purpose
24 of making a full and final compromise and settlement in the above-reference matter.
25
26

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

3 ROBERT M. MCKENNA
4 Attorney General

5 
6 BRIAN J. CONSIDINE WSBA #39517
7 Assistant Attorney General
8 Attorneys for LCB Enforcement

8/24/10
DATE

9 
10 SONG LEE KIM
11 Owner of Honey Teriyaki, Applicant

8/23/2010
DATE