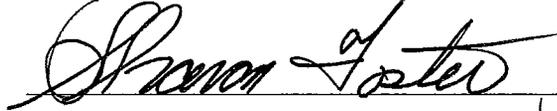
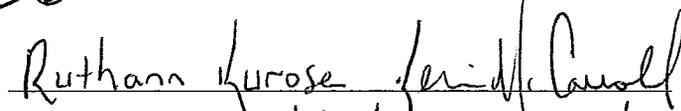


1 IT IS HEREBY FURTHER ORDERED that Applicant's Application for Liquor
2 License No. 356958 is denied.

3 DATED this 23 day of November, 2010.

4
5 WASHINGTON STATE LIQUOR CONTROL BOARD

6 

7 
8 per telephonic approval
9



**Washington State
Liquor Control Board**

November 23, 2010

Constance Proctor, Attorney for Applicant
One Union Square, Ste 2424
Seattle, WA 98101-1192

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
APPLICANT: NDDA, LLC
TRADE NAME: Tank's Sportz Bar
LOCATION: 12544 Renton Ave South, Seattle, WA 98178
LICENSE NO. 356958-2L
LCB HEARING NO. 23,695
UBI: 602 948 582 001 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 that reads "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (4)

cc: Beth Lehman, Licensing Supervisor, WSLCB
Tukwila Enforcement and Education Division, WSLCB

1
2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 NDDA, LLC
6 d/b/a TANK'S SPORTZ BAR
7 12544 RENTON AVE SOUTH
8 SEATTLE, WA 98178-3709

9 APPLICANT

10 LICENSE NO. 356958-2L

LCB NO. 23,695

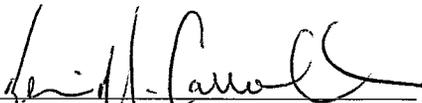
DECLARATION OF SERVICE BY
MAIL

11
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
17 CONSTANCE PROCTOR, ATTORNEY FOR
18 APPLICANT
19 ONE UNION SQUARE, STE 2424
SEATTLE, WA 98101-1192

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

20 DATED this 23rd day of November, 2010, at Olympia, Washington.

21
22 
23 Kevin McCarroll, Adjudicative Proceedings Coordinator

24
25
26
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

1 Applicant will not be in the best interest of the welfare, health or safety of the people of the
2 state, pursuant to WAC 314-07-065(9).

3 On July 7, 2010, the Applicant filed a timely request for a formal administrative
4 hearing to appeal Licensing's decision because it did not agree with the facts outlined in
5 Licensing's Statement of Intent to Deny or the relevant authority and conclusions outlined for
6 denial of the Applicant's liquor license application. Specifically, it takes issue with all facts
7 and conclusions regarding Nathan Proctor and his involvement with the previous liquor
8 licensee at the above-referenced location, Champ's Bar & BBQ.

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

11 II. AGREEMENT OF THE PARTIES

12 Prior to an administrative hearing in this matter, Licensing and the Applicant agree to
13 the following:

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

16 2. The Applicant explicitly waives the right of further administrative review of all
17 matters related to the above-referenced denial of the Applicant's liquor license application.
18 The Applicant hereby voluntarily withdraws its requests for a hearing in this matter.

19 3. The Applicant denies the truth of the allegations contained in Licensing's
20 Statement of Intent to Deny, but the Applicant no longer has an interest in the application at
21 issue and does not wish to incur the time and expense of litigating this matter. Therefore, the
22 parties agree to have the Board uphold Licensing's Intent to Deny because a liquor license at
23 the proposed location will likely have a detrimental impact to the safety, health, and/or welfare
24 of the community.

25 4. In recognition of the Applicant's awareness of the impact of a liquor license at
26 the proposed location, the parties agree that the relevant facts and conclusions involving Mr.

1 Nathan Proctor in the Intent to Deny are inconclusive, should be stricken from the record, and
2 should not prevent Mr. Nathan Proctor from applying for a liquor license at a different location
3 in the future, if he so chooses. Therefore, the parties agree that the Board should only adopt
4 Paragraphs 3.3 and 3.4 and strike Paragraphs 3.1 and 3.2 in Section 2 of Licensing's Intent to
5 Deny.

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

9 6. This agreement constitutes the final written expression of all the terms of this
10 agreement and is a complete and exclusive statement of these terms.

11 7. The undersigned parties recognize that this settlement agreement is subject to
12 approval by the Washington State Liquor Control Board.

13 ROBERT M. MCKENNA
14 Attorney General

15 
16 BRIAN J. CONSIDINE WSBA #39517
17 Assistant Attorney General
18 Attorneys for LCB Enforcement

11/16/10
DATE

18 VANDEBERG, JOHNSON & GANDARA, LLP

19 
20 CONSTANCE PROCTOR, WSBA #8542
21 Attorneys for NDDA, LLC d/b/a Tank's
22 Sportz Bar

11/12/10
DATE

23 
24 NATHAN M. PROCTOR
25 Representative for NDDA, LLC d/b/a Tank's
26 Sportz Bar

11/12/10
DATE

**STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD**

In the Matter of the Denial of the liquor license application for the privileges of a Nightclub from:

Nathan Matthew Proctor
Tank's Sportz Bar
600 University St, Ste 2424
Seattle WA 98101

License Application No. 356958

LCB No. 23,695

**AMENDED STATEMENT OF
INTENT TO DENY LIQUOR
LICENSE**

The authority of the Washington State Liquor Control Board in this proceeding is based on the provisions of Title 66 Revised Code of Washington (RCW) and Title 314 Washington Administrative Code (WAC).

1. LICENSE HISTORY

1.1 Respondent has never held a liquor license with WSLCB.

2. SUMMARY OF RELEVANT FACTS

- 2.1 Respondent applied for a Nightclub liquor license on September 10, 2009 for Tank's Sportz Bar.
- 2.2 This location was formally licensed as Champ's Bar & BBQ, LLC, a Spirits/Beer/ Wine Restaurant.
- 2.3 Champ's Bar & BBQ LLC's Spirits/Beer/Wine Restaurant license was not renewed on November 30, 2009 by the Board due to objections from the local authority, WSLCB Enforcement and citizens. This license is permanently revoked.
- 2.4 The respondent is the former manager of Champs Bar & BBQ LLC.
- 2.5 The King County Prosecuting Attorney's Office objected to the renewal of Champ's Bar & BBQ's liquor license for the following reason: Since May 2008, the King County Sheriff's Office had responded to 91 cases at Champ's Bar, with the majority of the cases related to drug and gang activity, aggravated assaults and firearms crimes.
- 2.6 The King County Sheriff's Office objected to the renewal of the liquor license for Champ's Bar & BBQ, and to any new liquor license issued for this establishment under any other name for the following reasons:

- a. Violation history and community complaints that show activity at this location endangers public safety and community welfare. Sixteen incidents of this type of activity were cited in the objection letter as occurring from October 1, 2008 – September 18, 2009.
 - b. Requirement for significant Sheriff's Office resources; the objection letter states that from November 9, 2008 –September 17, 2009, King County Sheriff's Deputies were dispatched to this location 51 times. In addition, there were an additional 170 "On-View" calls during this timeframe, and the King County Sheriff's Office Guardian One helicopter responded a total of 22 times during this time period as well.
 - c. Concerns that the respondent, the former manager of Champs, will continue to operate the establishment in the same manner as he has in the past. The objection letter states that the respondent has been the bar/security manager at this location during the time frame covered in the objection letter and that if granted a new liquor license for this establishment, the issues and concerns listed in the letter will simply continue.
- 2.7 The King County Executive objected to the renewal of Champ's Bar & BBQ's liquor license and to the new liquor license application submitted by the respondent, stating that the location has been a constant source of violence and breaches of the peace, with the atmosphere surrounding the bar posing a serious risk to public safety.
- 2.8 WSLCB Enforcement objects to the issuance of a license for this respondent for the following reasons:
- a. Public safety issues related to this location; multiple public safety complaints and illegal activity were cited in the objection memo.
 - b. Concerns regarding the respondent's previous handling of incidents at this location and that if issued a new liquor license for this establishment, the respondent will continue to run the business in the same manner. The objection memo stated that the location has been under the direct control of the respondent since April 2009.
- 2.9 There were 20 letters of protest received from the community in October 2009 requesting that the license not be renewed or issued for this location, expressing a fear of driving by this location because of shootings, fights and other criminal activity.

2.10 There were 11 letters of support received in November 2009, including one from an employee of Champ's.

3. RELEVANT AUTHORITY AND CONCLUSIONS

3.1 ~~The facts outlined in paragraphs 2.3 through 2.9 constitute grounds for denial of the liquor license application under the provisions of RCW 66.24.010 (12) where the board may give substantial weight to the timely objections from a local authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed, or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. There is evidence of chronic illegal activity at this location during the timeframe that Nathan Proctor, the respondent, managed the facility:~~

King County Sheriff's Office Incident Reports:

09-089211 April 16, 2009
09-090265 April 17, 2009
09-098633 April 26, 2009
09-110989 May 10, 2009
09-122504 May 23, 2009
09-127347 May 28, 2009
09-210136 August 23, 2009
09-222519 September 5, 2009
09-235113 September 18, 2009

*Stricken per Settlement agreement
& Board Order. In 11-23-10*

WSLCB Complaints:

<u>Complaint #</u>	<u>Date of Violation</u>	<u>Description of Violation</u>
2Z9114B	April 16, 2009	Disorderly/Lewd Conduct and allow or engage in criminal conduct
2Z9114C	April 17, 2009	Disorderly/Lewd Conduct
2Z9175A	May 10, 2009	Disorderly/Lewd Conduct
2Z9175B	May 23, 2009	Disorderly/Lewd Conduct

~~2Z9191B July 8, 2009 Sale/Furnishing to Persons under 21, Allowing Minors to frequent/consume, Sale to apparently intoxicated person, Allowing intoxicated person to consume~~

2Z9289E October 13, 2009 Sale to apparently intoxicated person, Allowing intoxicated person to consume

- 3.2 The facts outlined in paragraphs 2.3 through 2.9 also constitute grounds for denial under the provisions of WAC 314-07-045 where the board will not normally issue a liquor license to a person who has demonstrated a pattern of disregard for laws or rules. Mr. Proctor has demonstrated a ~~disregard for laws and rules in accordance with WAC 314-07-045.~~
- 3.3 The facts outlined in paragraphs 2.3 through 2.9 also constitute grounds for denial under the provisions of WAC 314-07-065 (7) where the board may deny a liquor license application due to an objection from the local authority or from the public that shows that issuance of a liquor license at the proposed location or to the applicant business will detrimentally impact the safety, health, or welfare of the community.
- 3.4 The facts outlined in paragraphs 2.3 through 2.9 also constitute grounds for denial under the provisions of WAC 314-07-065 (9) where the board may deny a liquor license application when it determines that the issuance of the liquor license will not be in the best interest of the welfare, health or safety of the people of the state.
- 3.5 Paragraphs 3.1 through 3.4 above each establish a separate and independently sufficient basis for denial.

4. REQUEST FOR DENIAL

The below-signed Director of Licensing for the Washington State Liquor Control Board, having reviewed the following materials:

- Report on Application
- King County Prosecuting Attorney's Office objection letter
- King County Executive's objection letter
- King County Sheriff's Office objection letter
- King County Sheriff's Office incident reports
- Photos of gang-related graffiti submitted by King County Sheriff's Office

- Seattle Times newspaper articles submitted by King County Sheriff's Office
- Interoffice Correspondence from WSLCB Seattle/Tukwila Enforcement
- Citizen Protest letters
- Support letters
- Correspondence from respondent explaining why he should be granted a liquor license
- Business Plan for Tank's Sportz Bar

And based on those materials, having concluded as set forth above, seeks the denial of the liquor license of Tank's Sportz Bar.

DATED this 22nd day of June, 2010.



Alan E. Rathbun, Director
Licensing & Regulation Division

The Washington State Liquor Control Board has a policy of providing equal access to its services.

This document was mailed to the following people:

<p>Nathan Matthew Proctor Tank's Sportz Bar 600 University St, Ste 2424 Seattle WA 98101</p>	<p>Dow Constantine King County Executive King County Chinook Building 401-5th Ave. Suite 800 Seattle, WA 98104</p>
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