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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:
K&D VENTURING, INC. d/b/a SMEADS
PUB
3395 EVERGREEN WAY
WASHOUGAL, WA 98671

LICENSEE.

LICENSE NO. 350196
AVN NO. 1J0160A

LCB No. 23,722
OAH No. 2010-LCB-0068

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) having been represented by its attorneys, ROBERT M. MCKENNA, Attorney General and BRIAN J. CONSIDINE, Assistant Attorney General and the Licensee, K&D VENTURING, INC. d/b/a SMEADS PUB (Licensee) through its representative KIMBER ECKMAN, and the parties having voluntarily entered into a settlement agreement for Liquor Control Board Case No. 22,722 (AVN No. 1J0160A), and the Board having considered the 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:

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1 IT IS HEREBY ORDERED that the Complaint in the above-referenced matter is
2 dismissed and the AVN, No. 1J0160A, issued to the Licensee is converted into a written
3 warning. The Vancouver Enforcement Office shall issue the written warning upon receipt of
4 this order.

5 DATED this 15th day of March, 2011.

6 WASHINGTON STATE LIQUOR CONTROL BOARD

7 Sharon Foster
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9 William Kurose
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11 Chad
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MAR 03 2011

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

K&D VENTURING, INC. d/b/a SMEADS
PUB

3395 EVERGREEN WAY
WASHOUGAL, WA 98671

LICENSEE.

LICENSE NO. 350196
AVN NO. 1J0160A

LCB No. 23,722

OAH No. 2010-LCB-0068

SETTLEMENT AGREEMENT

The Washington State Liquor Control Board, 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&D VENTURING, INC. d/b/a SMEADS PUB (Licensee), represented by KIMBER ECKMAN, hereby enter into this Settlement Agreement for Liquor Control Board (LCB) case number 23,722, arising from Administrative Violation Notice (AVN) 1J0160A.

I. INTRODUCTION

1. The Washington State Liquor Control Board charged the above-named Licensee in its Complaint dated September 23, 2010, with the following violation of the Washington State Liquor Act:

On or about June 9, 2010, the above-named Licensee or employee(s) thereof, allowed an apparently intoxicated person to possess and/or consume liquor on the licensed premises, contrary to WAC 314-16-150.

1 2. Enforcement and the Licensee wish to enter into a settlement agreement
2 concerning the above-referenced Complaint and AVN.

3 **II. AGREEMENT OF THE PARTIES**

4 Enforcement and the Licensee agree to the following:

5 1. Enforcement and the Licensee enter into this agreement to avoid the time and
6 expense of further litigation. The Licensee explicitly waives the right of further administrative
7 review of all matters related to the above-referenced violation. The Licensee hereby
8 voluntarily withdraws its request for a hearing in the above-referenced matter.

9 2. Based on considerations of judicial economy and in the interest of justice, the
10 parties agree that the AVN in this matter should be converted into a written warning.
11 Therefore, Enforcement will agree to have the Board dismiss the September 23, 2010,
12 Complaint in this matter, and AVN number 1J0160A will be converted to a written warning.
13 The Vancouver Enforcement Office shall issue the written warning.

14 3. The parties agree that a written warning does not constitute an admission by the
15 Licensee of any violation of any Washington State liquor law or rule; nor does it constitute a
16 violation for the purposes of calculating any potential future penalties, suspensions or
17 revocation under WAC 314-29-020, nor does it constitute a violation for the purposes of
18 applying for or seeking to renew a liquor license under WAC 314-07-045.

19 4. The parties recognize that this settlement agreement is subject to approval by
20 the Washington State Liquor Control Board.

21 ///

22 ///

23 ///

1 5. 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.

3 ROBERT M. MCKENNA
4 Attorney General

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

Dated: 3/2/11

9 
10 KIMBER ECKMAN
11 Representative for Licensee

Dated: 2/18/11



**Washington State
Liquor Control Board**

March 17, 2011

K & D Venturing Inc., Licensee
d/b/a Smeads Pub
3307 Evergreen Way, Box 276
Washougal, WA 98671-2062

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 & D Venturing Inc

TRADE NAME: Smeads Pub

LOCATION: 3395 Evergreen Way, Washougal, WA 98671-2047

LICENSE NO. 350196

ADMINISTRATIVE VIOLATION NOTICE NO: 1J0160A

LCB HEARING NO. 23,722

OAH DOCKET NO. 2010-LCB-0068

UBI: 602 713 471 001 0001

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Final Order in the above referenced matter along with a copy of the Stipulated 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 (3)

cc: Tacoma and Vancouver Enforcement and Education Divisions, WSLCB
Amber Harris, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 K & D VENTURING INC
6 d/b/a SMEADS PUB
7 3395 EVERGREEN WAY
8 WASHOUGAL, WA 98671-2047

OAH DOCKET NO. 2010-LCB-0068
LCB NO. 23,722

DECLARATION OF SERVICE BY
MAIL

8 LICENSEE

9 LICENSE 350196
10 AVN NO. 1J0160A

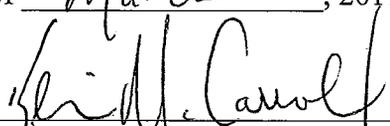
11 I certify that I caused a copy of the *FINAL ORDER OF THE BOARD* in the above-
12 referenced matter to be served on all parties or their counsel of record by US Mail Postage
13 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
14 Attorney General, on the date below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

16 K & D VENTURING INC.
17 d/b/a SMEADS PUB
18 3307 EVERGREEN WAY, BOX 276
19 WASHOUGAL, WA 98671-2062

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

19 K & D VENTURING INC
20 d/b/a SMEADS PUB
21 3395 EVERGREEN WAY
22 WASHOUGAL, WA 98671-2047

22 DATED this 17th day of March, 2011, at Olympia, Washington.

23
24 
25 Kevin McCarroll, Adjudicative Proceedings Coordinator
26

DECLARATION OF SERVICE BY
MAIL