

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of the Application for a Nightclub  
License of:

A. Frazier, Inc.  
d/b/a. Trinity Night Club  
111 Yesler Way  
Seattle, WA 98104-2525

License No. 355275-2E

LCB No. 23,726

FINAL ORDER OF THE BOARD  
ACCEPTING SETTLEMENT  
AND DISMISSING HEARING REQUEST

PROCEDURAL HISTORY

1. The Board Chair, as presiding officer, held a prehearing conference on October 4, 2010, and thereafter issued a Prehearing Conference Order and Notice of Hearing. The hearing was set for December 13, 2010, but prior to that date, the attorney for the Licensing and Regulation Division of the Board requested the hearing be stricken, and that new dates be set, if the matter was not resolved by settlement before December 13.
2. A second telephonic status conference took place on December 13, 2010 at 10:00 a.m. The parties present included the LCB Licensing and Regulation Division, through Gordon Karg, Assistant Attorney General, the city of Seattle, through James Kenny, Precinct Liaison Attorney, and the license applicant Anthony Frazier for Chew, Inc. d/b/a Trinity Night Club. The parties explained that they are close to a settlement agreement of the contested restrictions, which were requested by the City and not approved by the LCB Licensing and Regulation Division. The parties requested that a second status conference be scheduled to allow time for all three of the parties to reach agreement. The parties present agreed to the date of January 3, 2011 at 11:30.
3. A status conference was held on January 3, 2011, and a further Notice of Hearing was issued on January 10, 2011, setting a new hearing date for March 15, 2011. On March 11, 2011, the Licensing and Regulation Division presented a settlement agreement signed by the attorneys for the Licensing and

Regulation Division. On March 15, 2011, the Board held a telephonic status conference to consider the settlement agreement. The licensee retained an attorney, John Bender, who appeared for the first time at the March 15, 2011 status conference. Mr. Bender informed the presiding officer that the licensee did not object to the terms of the settlement agreement, but that he wanted to modify some of the language in the agreement.

4. On August 3, 2011, the Board received a signed settlement agreement between the licensee and the Licensing and Regulation Division, which contains almost the same language as that of the Settlement Agreement between the Licensing and Regulation Division and the City of Seattle, signed on March 11, 2011. To the extent that the language of paragraph 3(c) of the Settlement Agreements differs, the language of the Settlement Agreement signed by the licensee shall control.

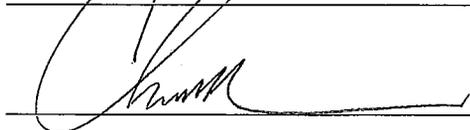
IT IS HEREBY ORDERED that the hearing requested by the City of Seattle, on the decision of the Washington State Liquor Control Board to grant a license to A. Frazier Inc., d/b/a Trinity Night Club is DISMISSED, and the decision to issue a license to A. Frazier Inc., d/b/a Trinity Night Club, is AFFIRMED. The license is issued subject to the restrictions contained in the Settlement Agreements dated March 11, 2011 and August 2, 2011, and to the extent the terms of those two Settlement Agreements differs, the August 2, 2011 agreement shall control.

DATED at Olympia, Washington this 16 day of August, 2011.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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**ORIGINAL**

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AUG 16 2011

**LIQUOR CONTROL BOARD  
BOARD ADMINISTRATION**

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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 23,726

A. FRAZIER INC., d/b/a  
TRINITY NIGHT CLUB  
111 YESLER WAY  
SEATTLE, WA 98104-2525

SETTLEMENT AGREEMENT

LICENSEE

LICENSE NO. 355275

The Washington State Liquor Control Board Licensing Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General, and Licensee A. Frazier Inc., d/b/a Trinity Night Club (Licensee) represented by JOHN BENDER, attorney at law, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,726.

**I. INTRODUCTION**

On April 9, 2010 the City of Seattle (City) did not object to the Licensee's application for a nightclub license. However, pursuant to RCW 66.24.600(5) and WAC 314-02-039(1) the City petitioned Licensing to impose five public safety restrictions on the Licensee. On May 27, 2010 Licensing recommended the Washington State Liquor Control Board (Board) deny all but one of the City's petitioned for restrictions. The City challenged Licensing's recommendation and made a timely request for a formal administrative hearing. The Board granted the request and a formal hearing was scheduled. During the pendency of the hearing,



1 v. Contact information (phone, email, mailing address) for the designated individual  
2 addressing all safety and security issues on the licensed premises.

3 Failure to submit a security plan or failure to acquire Board approval of a submitted security  
4 plan, as required by this restriction, may result in denial of the license application or license  
5 renewal. If the Licensee in any way seeks to alter the safety plan after issuance of the license,  
6 the new safety plan must be approved by the Board prior to its implementation.

7 b. Licensee shall have all designated security personnel attend and complete a  
8 Seattle Police Department (SPD) security seminar or a substantially equivalent training  
9 program within 120 days of the issuance of this nightclub license, or the employee's date of  
10 hire, whichever is later. This security training requirement may be waived for an employee  
11 who provides evidence to the Board that he or she is a current or retired law enforcement  
12 officer in good standing of this State, another State, or with the federal government or military.

13 i. The content of any security seminar or training program, including all proposed  
14 curriculum, training materials, and any examination with an explanation of all  
15 examination procedures, must be submitted to and approved by the Board prior to the  
16 Licensee's security personnel attendance.

17 ii. The security training requirement may be waived for an employee if SPD, or any other  
18 government entity, fails to make a Board-approved security seminar available for that  
19 employee within 120 days of the issuance of the nightclub license or the employee's  
20 date of hire, whichever is later.

21 iii. Licensee shall maintain, on the premises and available for inspection at all times by the  
22 Board and its agents, documentation demonstrating that each member of its security  
23 staff, who has been employed for more than 120 days, has met this training  
24 requirement. Failure to comply with this requirement may result in suspension or  
25 revocation of the license, or a demand for other action, at the discretion of the Board.  
26

1 c. The Licensee shall submit to the Board a copy of any required, annual,  
2 assembly occupancy permit for the licensed premise, approved and issued by the Seattle Fire  
3 Department, at the time of application. Confirmation that a required assembly occupancy  
4 permit has not been renewed in any subsequent year after license issuance may result in denial  
5 of the license renewal. The Licensee shall also submit to the Board, the occupancy limit for  
6 the licensed premises as established and approved by Seattle's Department of Planning and  
7 Development and shall inform the Board if the occupancy limits of the licensed premises  
8 change. Confirmation that the occupancy limit for the licensed premise has changed without  
9 report to the Board by the Licensee may result in denial of license renewal.

10 4. The Parties agree that the public safety restrictions set forth above shall be  
11 imposed upon the Licensee's nightclub license and will be enforced by the Board pursuant to  
12 WAC 314-02-039(1)(c).

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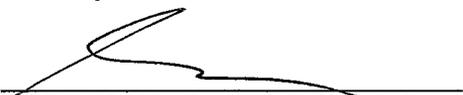
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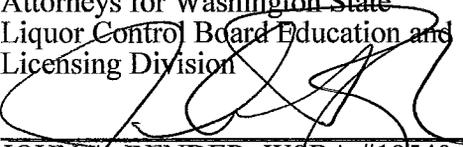
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25 5. The parties recognize that this settlement agreement is subject to approval by  
26 the Washington State Liquor Control Board.

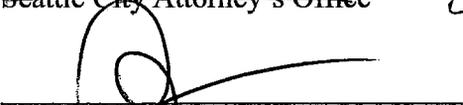
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STIPULATED AND AGREED this 20 day of August 2011.

ROBERT M. MCKENNA  
Attorney General

  
GORDON KARG, WSBA #37178  
Assistant Attorney General  
Attorneys for Washington State  
Liquor Control Board Education and  
Licensing Division

  
JOHN A. BENDER, WSBA #19540  
Assistant City Attorney  
Seattle City Attorney's Office

  
ANTHONY FRAZIER  
Governing Officer  
A. FRAZIER INC d/b/a TRINITY NIGHT CLUB  
Licensee

*Anthony A. Frazier Inc*



# City of Seattle

DEPARTMENT OF PLANNING AND DEVELOPMENT

## CERTIFICATE OF OCCUPANCY

Permit No.: 744561

Occupancy Established by this Certificate:  
A-3 BAR/LOUNGE, B-RESTAURANT

Address: 111 YESLER WY  
Construction Type: III-IHR

Bldg ID: 1  
No of Stories: 3

Sprinkler Location: N/A  
Max assembly occupant load: 76  
(TOTAL SEATING 76+46)

Basements: 1  
Number of Housing Units: 0

**CONSTRUCT 1<sup>ST</sup> FLOOR MEZZANINE IN BAR/LOUNGE PORTION OF EXISTING BAR/LOUNGE/RESTAURANT.**

The work noted above has been inspected and approved as complying with provisions of the Seattle Building Code.

Issued this 10<sup>th</sup> day of February, 2005 for Director by \_\_\_\_\_

  
CHIEF BUILDING INSPECTOR

This certificate shall be posted in a conspicuous public area, shall not be removed, mutilated or obscured and shall be maintained in legible condition at all times. Any change of occupancy requires a new certificate.



# City of Seattle

Department of Construction and Land Use

## Certificate of Occupancy

At: 00107 OCCIDENTAL AV S

Building Permit No: 710044

Occupancy Established by this Certificate: A-3 RESTAURANT	Construction Type: III-N	No of Stories: 1, MEZZ
	Sprinkler Location: N/A Max. assembly occupant load: 250 MAX	Basements: 1 Number of Housing Units: 0

*ADD MEZZANINES AND REPAIR EXISTING FLOOR AND ADD BARRIER FREE TOILET ROOMS;  
ESTABLISH/CHANGE USE AS RESTAURANT EATING AND DRINKING ALL PER PLANS.*

The addition, alteration, est/ching use have/has been inspected and approved as complying with provisions of the Seattle Building Code.

Issued this 30<sup>th</sup> day of December, 1999

DIRECTOR By

This certificate shall be posted in a conspicuous public area, shall not be removed, mutilated or obscured and shall be maintained in legible condition at all times. Any change of occupancy requires a new certificate.





# CITY OF SEATTLE

Department of Construction and Land Use

## Certificate of Occupancy

At: 00111 YESLER WY Building Permit No: 696046

Occupancy Established by this Certificate: A-3 RESTAURANT	Construction Type: III-1HR	No of Stories: 3
	Sprinkler Location: N/A	Basements: 1
	Max. assembly occupant load: 119	Number of Housing Units: 0

ESTABLISH CHANGE USE FOR INTERIOR ALTERATION; ADDITION TO EXPAND RESTAURANT USE ONTO MEZZANINE AND FORMER RETAIL AREA; OCCUPY PER PLAN.

The addition, alteration, es/chng use have/has been inspected and approved as complying with provisions of the Seattle Building Code.

Issued this 13th day of February, 1998

DIRECTOR By

This certificate shall be posted in a conspicuous public area, shall not be removed, mutilated or obscured and shall be maintained in legible condition at all times. Any change of occupancy requires a new certificate.



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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 23,726

A. FRAZIER INC., d/b/a  
TRINITY NIGHT CLUB  
111 YESLER WAY  
SEATTLE, WA 98104-2525

SETTLEMENT AGREEMENT

LICENSEE

LICENSE NO. 355275

The Washington State Liquor Control Board Licensing Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General, and JAMES KENNY, Assistant City Attorney representing the City of Seattle (City), and Licensee A. Frazier Inc., d/b/a Trinity Night Club (Licensee) represented by ANTHONY FRAZIER, governing officer, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,726.

**I. INTRODUCTION**

On April 9, 2010 the City did not object to the Licensee's application for a nightclub license. However, pursuant to RCW 66.24.600(5) and WAC 314-02-039(1), the City petitioned Licensing to impose five public safety restrictions on the Licensee. On May 27, 2010, Licensing made a preliminary decision denying all but one of the City's petitioned-for restrictions. On July 9, 2010, Licensing affirmed its preliminary decision. The City challenged Licensing's decision and made a timely request for a formal administrative

1 hearing. The Board granted the request and a formal hearing was scheduled. During the  
2 pendency of the hearing the parties negotiated an agreed-upon compromise.

3 The Parties now wish to enter into a settlement agreement concerning the above-  
4 referenced restrictions of the Licensee's nightclub liquor license.

## 5 II. AGREEMENT OF THE PARTIES

6 The Parties agree to the following:

7 1. The Parties enter into this agreement to avoid the time and expense of further  
8 litigation. The City and the Licensee explicitly waive the right of further administrative review  
9 of all matters related to the above-referenced nightclub liquor license application. The City  
10 hereby voluntarily withdraws its request for a hearing in this matter.

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

13 3. The Parties agree that the following public safety restrictions will be imposed  
14 on the Licensee's nightclub license:

15 a. Licensee shall, at the time of application, submit to, and have approved by the  
16 Washington State Liquor Control Board (Board) a written safety plan that includes:

17 i. The number of security personnel hired by the licensee, what personal security  
18 equipment they will be carrying on the licensed premises (e.g. pepper spray), as well as  
19 where and when they will be stationed in the establishment when on duty.

20 ii. The Licensee's on-premises procedures for checking patron identification and ensuring  
21 only persons twenty-one years of age or older are sold, served, or in possession of  
22 alcohol on the licensed premises.

23 iii. Procedures for responding to violent, disorderly and/or criminal activity on the licensed  
24 premises.

25 iv. Procedures for crowd control and preventing patronage from exceeding the premises'  
26 occupancy limit.

1 v. Contact information (phone, email, mailing address) for the designated individual  
2 addressing all safety and security issues on the licensed premises.

3 Failure to submit a security plan or failure to acquire Board approval of a submitted security  
4 plan, as required by this restriction, may result in denial of the license application or license  
5 renewal. If the Licensee in any way seeks to alter the safety plan after issuance of the license,  
6 the new safety plan must be approved by the Board prior to its implementation.

7 b. Licensee shall have all designated security personnel attend and complete a  
8 Seattle Police Department (SPD) security seminar or a substantially equivalent training  
9 program within 120 days of the issuance of this nightclub license, or the employee's date of  
10 hire, whichever is later. This security training requirement may be waived for an employee  
11 who provides evidence to the Board that he is a current or retired law enforcement officer in  
12 good standing of this State, another State, or with the federal government or military.

13 i. The content of any security seminar or training program, including all proposed  
14 curriculum, training materials, and any examination with an explanation of all  
15 examination procedures, must be submitted to and approved by the Board prior to the  
16 Licensee's security personnel attendance.

17 ii. The security training requirement may be waived for an employee if SPD, or any other  
18 government entity, fails to make a Board-approved security seminar available for that  
19 employee within 120 days of the issuance of the nightclub license or the employee's  
20 date of hire, whichever is later.

21 iii. Licensee shall maintain, on the premises and available for inspection at all times by the  
22 Board and its agents, documentation demonstrating that each member of its security  
23 staff, who has been employed for more than 120 days, has met this training  
24 requirement. Failure to comply with this requirement may result in suspension or  
25 revocation of the license, or a demand for other action, at the discretion of the Board.  
26

1 c. Licensee shall submit to the Board the occupancy limit for the licensed premises  
2 as established and approved by Seattle's Department of Planning and Development and any  
3 required, annual, assembly occupancy permit for the licensed premise, approved and issued by  
4 the Seattle Fire Department, at the time of application. Licensee shall inform the Board if the  
5 occupancy limits for the licensed premises changes. Confirmation that either the occupancy  
6 limit for the licensed premise has changed without report to the Board by the Licensee or that a  
7 required assembly occupancy permit has not been renewed in any subsequent year after license  
8 issuance may result in denial of the license renewal.

9 4. The Parties agree that the public safety restrictions set forth above shall be  
10 imposed upon the Licensee's nightclub license and will be enforced by the Board pursuant to  
11 WAC 314-02-039(1)(c).

12 5. The City withdraws its requested restriction requiring the Licensee to use  
13 commercially available electronic identification equipment (ID scanners) to verify the  
14 identification and the age of all patrons.

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

17 STIPULATED AND AGREED this 11 day of March 2011.

18 ROBERT M. MCKENNA  
19 Attorney General

20   
21 GORDON KARG, WSBA #37178  
22 Assistant Attorney General  
23 Attorneys for Washington State  
24 Liquor Control Board Education and  
25 Licensing Division

24   
25 JAMES KENNY, WSBA #24216  
26 Assistant City Attorney  
Seattle City Attorney's Office

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ANTHONY FRAZIER  
Governing Officer  
A. FRAZIER INC d/b/a TRINITY NIGHT CLUB  
Licensee



Washington State  
Liquor Control Board

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August 17, 2011

James K. Kenny, Assistant City Attorney  
City of Seattle  
700 5<sup>th</sup> Ave, Ste 5350  
Seattle, WA 98124-4667

John A. Bender Jr., Attorney for Licensee  
Ryan Swanson & Cleveland PLLC  
1201 3rd Ave Ste 3400  
Seattle, WA 98101-3034

A. Frazier Inc, Licensee  
d/b/a Trinity Night Club  
111 Yesler Way  
Seattle, WA 98104-2525

Gordon Karg, AAG  
GCE Division, Office of Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

**RE: Final Order of the Board Accepting Settlement and Dismissing Hearing Request**  
**Licensee: A. Frazier, Inc.**  
**Trade Name: Trinity Night Club**  
**Location: 111 Yesler Way, Seattle, WA 98104-2525**  
**Liquor License No. 355275-2E**  
**LCB Hearing No. 23,726**  
**UBI: 601 356 833 001 0001**

Dear Parties:

Enclosed is a copy of the Final Order of the Board Accepting Settlement and Dismissing Hearing Request as well as a copy of the Settlement Agreement in the matter of the application for a Nightclub License.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll  
Adjudicative Proceedings Coordinator

cc: Beth Lehman, Licensing Division Supervisor, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602  
[www.liq.wa.gov](http://www.liq.wa.gov)

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,726

A. FRAZIER, INC.  
d/b/a TRINITY NIGHT CLUB  
111 YESLER WAY  
SEATTLE, WA 98104-2525

LICENSEE

DECLARATION OF SERVICE BY  
MAIL

LICENSE NO. 355275-2E

I certify that I caused a copy of the *Final Order of the Board Accepting Settlement and Dismissing Hearing Request* in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for Licensees, by Campus Mail for the Office of Attorney General, on the date below to:

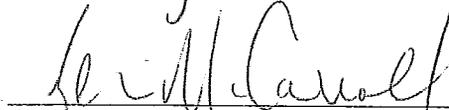
JAMES K. KENNY, ASSISTANT CITY  
ATTORNEY  
CITY OF SEATTLE  
700 5<sup>TH</sup> AVE, STE 5350  
SEATTLE, WA 98124-4667

GORDON KARG, ASSISTANT ATTORNEY  
GENERAL, GCE DIVISION  
OFFICE OF THE ATTORNEY GENERAL  
MAIL STOP 40100

A. FRAZIER INC, LICENSE  
d/b/a TRINITY NIGHT CLUB  
111 YESLER WAY  
SEATTLE, WA 98104-2525

JOHN A. BENDER JR., ATTORNEY FOR  
LICENSEE  
RYAN SWANSON & CLEVELAND PLLC  
1201 3RD AVE STE 3400  
SEATTLE, WA 98101-3034

DATED this 17<sup>th</sup> day of August, 2011, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY  
MAIL