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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

LCB NO. 23,728

WAGON WHEEL ENTERPRISES,  
INC. d/b/a THE PALM  
603 9<sup>TH</sup> STREET  
BENTON, CITY, WA 99320-5582

FINAL ORDER OF THE BOARD  
APPROVING STIPULATED  
SETTLEMENT AGREEMENT

LICENSEE

~~PROPOSED~~

LICENSE NO. 354469-4J  
AVN NO. 4A0183A

THIS MATTER having come before the Washington State Liquor Control Board (Board) and The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and GORDON KARG, Assistant Attorney General, and the Licensee, WAGON WHEEL ENTERPRISES, INC., d/b/a THE PALM (Licensee), by and through their counsel NICHOLAS D. JONES, Attorney at Law, and the Board having considered the Stipulated Settlement 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:

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///

1 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case No.  
2 23,728 is approved, that the violation charged in the Board's Complaint is sustained, and the  
3 Licensee shall pay a monetary penalty of three hundred dollars (\$350.00) within thirty (30)  
4 days of the date of this Final Order.

5 DATED this 12<sup>th</sup> day of July, 2011.

6 WASHINGTON STATE LIQUOR CONTROL BOARD

7 Pat Wilson Parmer

8 PAT WILSON PARMER  
9 Chief of Enforcement

RECEIVED

JUL 07 2011

LIQUOR CONTROL BOARD  
BOARD ADMINISTRATION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,728

WAGON WHEEL ENTERPRISES, INC.  
d/b/a THE PALM  
603 9<sup>TH</sup> STREET  
BENTON, CITY, WA 99320-5582

STIPULATED SETTLEMENT  
AGREEMENT

LICENSEE

LICENSE NO. 354469-4J  
AVN NO. 4A0183A

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and GORDON KARG, Assistant Attorney General, and the Licensee, WAGON WHEEL ENTERPRISES, INC., d/b/a THE PALM (Licensee), represented by its counsel NICHOLAS D. JONES, Attorney at Law, hereby enter into this Stipulated Settlement Agreement for LCB Case No. 23,728.

I. INTRODUCTION

On September 3, 2010, the Washington State Liquor Control Board issued a Complaint in the above-captioned matter alleging that on or about July 2, 2010, the above-named Licensee, or employee(s) thereof, sold, supplied, or otherwise provided alcohol to a person apparently under the influence of liquor in violation of WAC 314-16-150.

STIPULATED SETTLEMENT  
AGREEMENT

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

1 II. AGREEMENT OF THE PARTIES

2 Enforcement and the Licensee have agreed to enter into the following Stipulated  
3 Settlement Agreement concerning the above-referenced case. Enforcement and the Licensee  
4 agree to the following:

5 1. Enforcement and the Licensee enter into this agreement to avoid the time and  
6 expense of further litigation.

7 2. The Licensee explicitly waives the right of further administrative review of all  
8 matters related to the above-referenced case. Furthermore, the Licensee hereby voluntarily  
9 withdraws its request for a hearing on this matter.

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

12 4. The Licensee admits to the violation set forth in the above-referenced  
13 Complaint. Specifically, that on or about July 2, 2010, the above-named Licensee, or  
14 employee(s) thereof, sold, supplied, or otherwise provided alcohol to a person apparently under  
15 the influence of liquor in violation of WAC 314-16-150.

16 6. The Licensee acknowledges this is the Licensee's first violation of this type  
17 within a twenty-four (24) month period; which carries a standard penalty of a five (5) day  
18 suspension of the liquor license or a five-hundred dollar (\$500.00) monetary penalty.

19 7. The Licensee agrees to pay a total monetary penalty of three-hundred fifty  
20 dollars (\$350.00) for the above-referenced AVN. This amount shall be paid within thirty (30)  
21 days of the date of the Final Order of the Washington State Liquor Control Board. Payment  
22 shall be made to the Washington State Liquor Control Board no later than 4:00 p.m. on the  
23 applicable date. Payments shall be sent to:

24 Washington State Liquor Control Board  
25 3000 Pacific Avenue SE  
26 P.O. Box 43085  
Olympia, WA 98504-3095

1           8     In the event that the Licensee does not pay the agreed upon monetary penalty,  
2 as required by Part II, 47, the Licensee shall be subject to further penalties to be determined by  
3 the Washington State Liquor Control Board.

4           9     The undersigned parties declare that the terms of this Settlement Agreement are  
5 completely read, wholly understood, and voluntarily accepted for the purpose of making a full  
6 and final compromise and settlement of any and all claims arising from the above-referenced  
7 Complaint.

8           10    The parties recognize that this Settlement Agreement is subject to approval by  
9 the WASHINGTON STATE LIQUOR CONTROL BOARD.

10                   DATED this 25 day of Jul, 2011

11  
12 ROBERT M MCKENNA  
13 Attorney General

14  
15 GORDON KARG, WSBA #37178  
16 Assistant Attorney General  
17 Attorneys for Washington State  
18 Liquor Control Board Education and  
19 Enforcement Division

17                   #43617  
18 NICHOLAS D. JONES, WSBA #31689  
19 Counsel for Licensee  
20 Wagon Wheel Enterprises Inc., d/b/a  
21 The Palm

21                   Christine Huske  
22 CHRISTINE HUSKE  
23 Governing Officer  
24 Wagon Wheel Enterprises Inc., d/b/a  
25 The Palm  
26

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,728

5 WAGON WHEEL ENTERPRISES,  
6 INC.  
7 d/b/a THE PALM  
8 603 9<sup>TH</sup> STREET  
9 BENTON CITY, WA 99320-5582

DECLARATION OF SERVICE BY  
MAIL

LICENSEE

10 LICENSE NO. 354469-4J  
11 AVN NO. 4A0183A

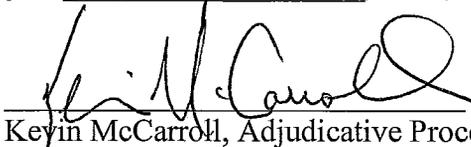
12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING  
13 STIPULATED SETTLEMENT AGREEMENT in the above-referenced matter to be served on all  
14 parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service  
15 for Licensees, by Campus Mail for the Office of Attorney General, on the date below to:  
16

17 NICHOLAS D. JONES, ATTORNEY FOR  
18 LICENSEE  
19 9221 SANDIFUR PKWY STE C  
PASCO, WA 99301-9241

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

20 WAGON WHEEL ENTERPRISES INC,  
21 LICENSEE  
22 d/b/a THE PALM  
PO BOX 767  
BENTON CITY, WA 99320-0767

23 DATED this 13<sup>th</sup> day of July, 2011, at Olympia, Washington.

24  
25   
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY  
MAIL

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Washington State Liquor Control Board  
3000 Pacific Avenue SE  
PO Box 43076  
Olympia, WA 98504-3076  
(360) 664-1602



**Washington State  
Liquor Control Board**

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July 13, 2011

Nicholas D. Jones, Attorney for Licensee  
9221 Sandifur Pkwy Ste C  
Pasco, WA 99301-9241

Wagon Wheel Enterprises Inc, Licensee  
d/b/a The Palm  
PO Box 767  
Benton City, WA 99320-0767

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 APPROVING STIPULATED SETTLEMENT AGREEMENT**

**LICENSEE: Wagon Wheel Enterprises, Inc.**

**TRADE NAME: The Palm**

**LOCATION: 603 9<sup>th</sup> Street, Benton City, WA 99320-5582**

**LICENSE NO. 354469-4J**

**ADMINISTRATIVE VIOLATION NOTICE NO: 4A0183A**

**LCB HEARING NO. 23,728**

**UBI: 601 487 220 001 0001**

Dear Parties:

Please find the enclosed 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.

**The applicable monetary penalty is due by August 12, 2011.**

The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Administrative Violation Notice Number listed above. 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: Spokane and Pasco Enforcement and Education Divisions, WSLCB  
Amber Harris, WSLCB

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