

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

AA ENTERTAINMENT, LLC d/b/a
USHER'S CORNER

5028 NORTH MARKET ST.
SPOKANE, WA 99217

LICENSEE

LICENSE NO. 353546
AVN NO. 4P0234A

LCB NO. 23,764
OAH NO. 2011-LCB-0016

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, AA Entertainment, LLC d/b/a Usher's Corner (Licensee) through STEVEN SCHNEIDER, attorney, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board Case No. 22,764 (AVN No. 4P0234A), and the Board having considered the stipulated 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

IT IS HEREBY ORDERED that the allegation set forth in Count 1 of the Complaint is SUSTAINED and the Licensee shall pay a monetary penalty of five hundred dollars (\$500) to:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

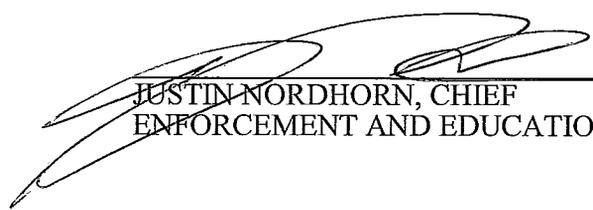
Washington State Liquor Control Board
PO Box 43085
Olympia, WA 98504-3085

In the event the Licensee fails to make full and timely payment of the monetary penalty, the Licensee shall serve a five (5) day suspension of its liquor license, the dates and time of which shall be set by the Washington State Liquor Control Board.

IT IS FURTHER ORDERED that the allegation set forth in Count 2 of the Complaint is DISMISSED.

DATED this 23 day of SEPTEMBER, 2011.

WASHINGTON STATE LIQUOR CONTROL BOARD


JUSTIN NORDHORN, CHIEF
ENFORCEMENT AND EDUCATION DIVISION

RECEIVED

SEP 19 2011

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:
AA ENTERTAINMENT, LLC d/b/a
USHER'S CORNER
5028 NORTH MARKET ST.
SPOKANE, WA 99217

LICENSEE

LICENSE NO. 353546
AVN NO. 4P0234A

LCB NO. 23,764
OAH NO. 2011-LCB-0016

STIPULATED 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, AA Entertainment, LLC d/b/a Usher's Corner (Licensee) through STEVEN SCHNEIDER, attorney, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,764.

I. INTRODUCTION

1. On March 14, 2011, the Board issued a Complaint, alleging: (1) on or about August 22, 2010, the above-named Licensee, or an employee(s) thereof, failed to allow an inspection of the licensed premises, contrary to WAC 314-11-090; and (2) on or about August 22, 2010, the above-named Licensee, or an employee(s) thereof, failed to keep the premises open to the public while liquor is sold, served, consumed, contrary to WAC 314-11-072 and/or

STIPULATED SETTLEMENT
AGREEMENT

USHER'S CORNER
LCB NO. 23,764

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

1 allowed liquor to be consumed on the licensed premises between the hours of 2 a.m. and
2 6 a.m., contrary to WAC 314-11-070.

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

5 **II. AGREEMENT OF THE PARTIES**

6 Enforcement and the Licensee agree to the following:

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

9 2. The Licensee explicitly waives the right of further administrative review of all
10 matters related to the above-referenced violation and Complaint. The Licensee hereby
11 voluntarily withdraws its request for a hearing in this matter.

12 3. The Licensee admits to the violation set forth as Count 1 in the above-
13 referenced Complaint, that is, the Licensee or an employee thereof failed to allow an inspection
14 of the licensed premises, contrary to WAC 314-11-090, on August 22, 2010.

15 4. The parties agree that this is the Licensee's first violation of this kind within a
16 twenty-four month period, and it has a standard penalty of a five (5) day suspension of the
17 Licensee's liquor license or a monetary penalty of five hundred dollars (\$500).

18 5. The parties agree that the Licensee will pay the monetary penalty of five
19 hundred dollars (\$500) within 30 days of the date of the Final Order of the Board. Payment
20 shall be sent to:

21 Washington State Liquor Control Board
22 PO Box 43085
23 Olympia, WA 98504-3085

24 6. In the event that the Licensee fails to make full and timely payment of the
25 monetary penalty as required in Section II, Paragraph 5, the Licensee shall serve a five (5) day
26 suspension of its liquor license, the dates and time of which shall be set by the Washington
State Liquor Control Board.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

7. In consideration for the Licensee's admissions and willingness to enter into this agreement, Enforcement agrees that Count 2 in the above-referenced complaint should be dismissed and an aggravated penalty should not be assessed in this matter.

8. This settlement agreement constitutes the final written expression of all the terms of this agreement and is a complete and exclusive statement of these terms, and shall be effective when signed by all parties and/or their legal representatives.

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

ROBERT M. MCKENNA
Attorney General



BRIAN J. CONSIDINE, WSBA #39517
Assistant Attorney General
Attorneys for LCB Enforcement

8/25/11

DATE

MURPHY, BANTZ, & BURY, P.S.



STEVEN SCHNEIDER, WSBA #22622
Attorneys for the Licensee

8-23-2011

DATE



JAKE BEAVER
Representative for the Licensee

8-23-2011

DATE



Washington State
Liquor Control Board

September 23, 2011

Steven Schneider, Attorney for Licensee
Murphy Bantz & Bury PS
818 W Riverside Ave Ste 631
Spokane, WA 99201-0910

Jake Beaver
AA Entertainment LLC, Licensee
d/b/a Usher's Corner
1451 Vista Dr
Puyallup, WA 98372-5102

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

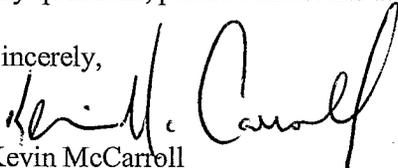
RE: FINAL ORDER OF THE BOARD
LICENSEE: AA Entertainment LLC
TRADE NAME: Usher's Corner
LOCATION: 5028 N Market Street, Spokane, WA 99217
LICENSE NO. 353546-4P
ADMINISTRATIVE VIOLATION NOTICE NO: 4P0234A
LCB HEARING NO. 23,764
OAH NO. 2011-LCB-0016
UBI: 602 973 243 001 0001

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter along with a copy of the Stipulated Settlement Agreement.

The applicable monetary penalty is due by October 24, 2011. If payment is not received timely, then suspension will take place from 10:00 a.m. on November 10, 2011 until 10:00 a.m. on November 15, 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,


Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Spokane Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

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

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

4 IN THE MATTER OF:

5 AA ENTERTAINMENT LLC
6 USHER'S CORNER
7 5028 N MARKET STREET
8 SPOKANE, WA 99217-5031

9 LICENSEE

LICENSE NO. 353546-4P
AVN NO. 4P0234A

LCB NO. 23,764
OAH NO. 2011-LCB-0016

DECLARATION OF SERVICE BY MAIL

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

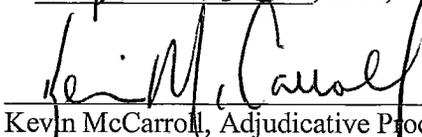
14
15
16 STEVEN SCHNEIDER, ATTORNEY FOR
17 LICENSEE
18 MURPHY BANTZ & BURY PS
19 818 W RIVERSIDE AVE STE 631
20 SPOKANE, WA 99201-0910

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

AA ENTERTAINMENT LLC, LICENSEE
d/b/a USHER'S CORNER
1451 VISTA DR
PUYALLUP, WA 98372-5102

AA ENTERTAINMENT LLC
USHER'S CORNER
5028 N MARKET STREET
SPOKANE, WA 99217-5031

21
22 DATED this 23rd day of September, 2011, at Olympia, Washington.

23
24 
25 Kevin McCarroll, Adjudicative Proceedings Coordinator
26

DECLARATION OF SERVICE BY
MAIL