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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

EL CLUB, INC., d/b/a
EL PARRAL
704 MAIN STREET
VANCOUVER, WA 98660-3161

LICENSEE

LICENSE NO. 079847

LCB NO. 23, 787; 23,825; 23,869
and AVN NO's 1L1197A; 1L1217A

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

~~[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) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and GORDON KARG, Assistant Attorney General, and the Licensee, EL CLUB, INC., d/b/a EL PARRAL (Licensee), by and through their counsel LARRY E. HAZEN, 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 all case files, including the Licensee's entire violation and AVN history, and all other materials maintained, now therefore:

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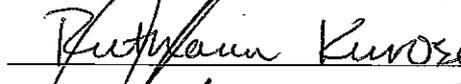
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FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT
~~[PROPOSED]~~

1 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case No's.
2 23,787; 23,825; 23,869 and Administrative Violation Notices (AVN) 1L1197A; 1L1217A is
3 approved; that all violations charged or referenced therein by complaint and/or AVN, as set
4 forth in the Stipulated Settlement Agreement, are sustained; the Licensee's cessation of
5 business operations and voluntarily relinquishing of its liquor license shall act in lieu of any
6 penalties; and if the Licensee fails to voluntarily relinquish its liquor license or challenges the
7 revocation of its license, or any of the above-referenced complaints, AVN's, or violations, for
8 any reason, the Licensee's liquor license shall be immediately revoked and the standard
9 combined monetary penalties of five thousand, two-hundred and fifty dollars (\$5,250.00), shall
10 be imposed.

11 DATED this 1st day of November, 2011.

12 WASHINGTON STATE LIQUOR CONTROL BOARD

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OCT 28 2011

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

EL CLUB, INC., d/b/a
EL PARRAL
704 MAIN STREET
VANCOUVER, WA 98660-3161

LICENSEE

LICENSE NO. 079847-1L

LCB NO's. 23, 787; 23,825; 23,869
and AVN NO's 1L1197A; 1L1217A

STIPULATED SETTLEMENT
AGREEMENT

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, EL CLUB, INC., d/b/a EL PARRAL (Licensee) by and through their counsel LARRY E. HAZEN, Attorney at Law, hereby enter into this Stipulated Settlement Agreement for Liquor Control Board Case Numbers 23, 787; 23,825; 23,869; and Administrative Violation Notices (AVN) 1L1197A, and 1L1217A.

I. INTRODUCTION

The Washington State Liquor Control Board charged the above-named Licensee, in three separate Complaints and two AVN's, alleging the following multiple violations of the Washington State Liquor Act and/or Liquor Control Board Rules:

1. On April 25, 2011, the Washington State Liquor Control Board issued a complaint alleging that on or about August 14, 2010:

a. the above-named Licensee, or employee(s) thereof, allowed a person(s)

1 | under twenty-one (21) years of age, to enter and remain in a portion of the licensed premises
2 | designated as off-limits to persons less than twenty-one (21) years of age, contrary to RCW
3 | 66.44.310(1)(a) and WAC 314-11-020(2); and,

4 | b. the above-named Licensee, or employee(s) thereof, failed to have a
5 | menu of food entrée's served by the Licensee available to patrons contrary to WAC 314-02-
6 | 035(c)(5).

7 | 2. On April 25, 2011, the Washington State Liquor Control Board issued a
8 | complaint alleging that on or about January 12, 2011, the above-named Licensee or
9 | employee(s) thereof, failed to maintain required food items and/or required edible food items
10 | on the licensed premises contrary to WAC 314-02-035.

11 | 3. On July 28, 2011 Enforcement issued AVN No. 1L1197A to the above named
12 | Licensee alleging that on or about July 16, 2011, the above-named Licensee or employee(s)
13 | thereof, failed to maintain required food items and/or required edible food items on the
14 | licensed premises contrary to WAC 314-02-035.

15 | 4. On August 10, 2011, the Washington State Liquor Control Board issued a
16 | complaint alleging that:

17 | a. On or about October 28, 2010, the above-named Licensee, or an
18 | employee thereof, engaged in or permitted conduct on the licensed premises that is prohibited
19 | by RCW 69.50.401(1), to wit: delivery of methamphetamine, contrary to WAC 314-11-
20 | 015(3)(e);

21 | b. On or about November 16, 2010, the above-named Licensee, or an
22 | employee thereof, engaged in or permitted conduct on the licensed premises that is prohibited
23 | by RCW 69.50.401(1), to wit: delivery of methamphetamine, contrary to WAC 314-11-
24 | 015(3)(e);

25 | c. On or about June 2, 2011, the above-named Licensee, or an employee
26 | thereof, engaged in or permitted conduct on the licensed premises that is prohibited by RCW
69.50.401(1), to wit: delivery of methamphetamine, contrary to WAC 314-11-015(3)(e); and,

1 d. On or about June 2, 2011, the above-named Licensee, or an employee
2 thereof, engaged in or permitted conduct on the licensed premises that is prohibited by RCW
3 9A.56.310(1) to wit: possessing a stolen firearm, contrary to WAC 314-11-015(3)(e); or in the
4 **alternative** RCW 9.41.040 to wit: possessing a firearm after having been convicted of a
5 serious offense, contrary to WAC 314-11-015(3)(e).

6 5. On August 10, 2011 Enforcement issued AVN No. 1L1217A to the above
7 named Licensee alleging that on or about August 5, 2011, the above-named Licensee or
8 employee(s) thereof, failed to maintain required food items and/or required edible food items
9 on the licensed premises contrary to WAC 314-02-035.

10 Enforcement and the Licensee wish to enter into a settlement agreement concerning the
11 above-referenced alleged violations.

12 II. AGREEMENT OF THE PARTIES

13 Enforcement and the Licensee agree to the following:

14 1. Enforcement and the Licensee enter into this agreement to avoid the time and
15 expense of further litigation. The Licensee explicitly waives the right of further administrative
16 review of all matters related to the above-referenced complaints and all violations. The
17 Licensee hereby voluntarily withdraws any requests for hearings on the above-referenced
18 complaints and AVN's and all charged violations therein.

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

21 3. The Licensee disputes the truth of the allegations contained in the above-
22 referenced Complaints. However, in order to take advantage of Enforcement's offer of
23 settlement, to avoid legal expenses attendant with further proceedings, and in recognition of
24 the fact that if this matter were to proceed to a hearing there is a risk to the Licensee that an
25 administrative proceeding would result in the conclusion:

26 a. That on or about August 14, 2010, the above-named Licensee, or
employee(s) thereof, allowed a person(s) under twenty-one (21) years of age, to enter and

1 remain in a portion of the licensed premises designated as off-limits to persons less than
2 twenty-one (21) years of age, contrary to RCW 66.44.310(1)(a) and WAC 314-11-020(2); the
3 parties agree this is the second violation of this type within a twenty-four (24) month period
4 which has a standard penalty of a seven day suspension of the liquor license;

5 b. That on or about August 14, 2010, the above-named Licensee, or
6 employee(s) thereof, failed to have a menu of food entrée's served by the Licensee available to
7 patrons contrary to WAC 314-02-035(c)(5); the parties agree this is the first violation of this
8 type within a twenty-four (24) month period which has a standard penalty of a five-day
9 suspension of the liquor license or a monetary penalty of two hundred fifty dollars (\$250.00);

10 c. That on or about January 12, 2011, the above-named Licensee or
11 employee(s) thereof, failed to maintain required food items and/or required edible food items
12 on the licensed premise contrary to WAC 314-02-035; the parties agree this is the second
13 violation of this type within a twenty-four (24) month period which has a standard penalty of a
14 five-day suspension of the liquor license or a monetary penalty of one thousand five hundred
15 dollars (\$1,500.00);

16 d. That on or about October 28, 2010, the above-named Licensee, or an
17 employee thereof, engaged in or permitted conduct on the licensed premise that is prohibited
18 by RCW 69.50.401(1), to wit: delivery of methamphetamine, contrary to WAC 314-11-
19 015(3)(e); the parties agree this is the first violation of this type within a twenty-four (24)
20 month period which has a standard penalty of a five-day suspension of the liquor license or a
21 monetary penalty of five hundred dollars (\$500.00);

22 e. That on or about November 16, 2010, the above-named Licensee, or an
23 employee thereof, engaged in or permitted conduct on the licensed premise that is prohibited
24 by RCW 69.50.401(1), to wit: delivery of methamphetamine, contrary to WAC 314-11-
25 015(3)(e); the parties agree this is the second violation of this type within a twenty-four (24)
26 month period which has a standard penalty of a seven-day suspension of the liquor license;

1 f. That on or about June 2, 2011, the above-named Licensee, or an
2 employee thereof, engaged in or permitted conduct on the licensed premise that is prohibited
3 by RCW 69.50.401(1), to wit: delivery of methamphetamine, contrary to WAC 314-11-
4 015(3)(e); the parties agree this is the third violation of this type within a twenty-four (24)
5 month period which has a standard penalty of a thirty (30) day suspension of the liquor license;
6 and,

7 g. That on or about June 2, 2011, the above-named Licensee, or an
8 employee thereof, engaged in or permitted conduct on the licensed premise that is prohibited
9 by RCW 9A.56.310(1) to wit: possessing a stolen firearm, contrary to WAC 314-11-015(3)(e);
10 or RCW 9.41.040 to wit: possessing a firearm after having been convicted of a serious offense,
11 contrary to WAC 314-11-015(3)(e); the parties agree this is the fourth violation of this type
12 within a twenty-four (24) month period which has a standard penalty of cancellation of the
13 liquor license;

14 Therefore, the Licensee agrees to stipulate to the violations set forth in the above-
15 referenced Complaints, solely to take advantage of Enforcement's offer of settlement.

16 4. The parties agree that the Washington State Liquor Control Board will consider
17 that the violations set forth in the above referenced Complaints, as specified at Part I and Part
18 II, ¶3, have been sustained.

19 5. The parties agree that the Licensee failed to timely request an adjudicative
20 hearing, or in any other way challenge, AVN No. 1L1197A. The parties agree AVN No.
21 1L1197A is sustained and the Licensee admits that on or about July 16, 2011, the above-named
22 Licensee or employee(s) thereof, failed to maintain required food items and/or required edible
23 food items on the licensed premises contrary to WAC 314-02-035; the parties agree this is the
24 Licensee's third violation of this type within a twenty-four (24) month period which has a
25 standard penalty of a ten day suspension of the license or a three thousand dollar (\$3000)
26 monetary penalty.

1 6. The parties agree that the Licensee failed to timely request an adjudicative
2 hearing, or in any other way challenge, AVN No. 1L1217A. The parties agree AVN No.
3 1L1217A is sustained and admits that on or about August 5, 2011, the above-named Licensee
4 or employee(s) thereof, failed to maintain required food items and/or required edible food
5 items on the licensed premises contrary to WAC 314-02-035; the parties agree this is the fourth
6 violation of this type within a twenty-four (24) month period which has a standard penalty of
7 cancellation of the liquor license.

8 7. The Licensee acknowledges it has terminated its business operations involving
9 the sale, service, or providing of alcohol, has voluntarily relinquished its liquor license, and no
10 longer has an interest in the license at issue and therefore has elected to not incur the time and
11 expense of litigation.

12 8. The parties agree that the Licensee's cessation of business operations and
13 voluntarily relinquishing of its liquor license shall act in lieu of the standard penalties.

14 9. The Licensee agrees that if it has failed to voluntarily relinquish its liquor
15 license or challenges the revocation of its license, or any of the above referenced complaints,
16 AVN's or violations, for any reason, the Licensee's liquor license shall be immediately
17 revoked and the standard combined monetary penalties of five thousand, two-hundred and fifty
18 dollars (\$5,250.00), shall be imposed.

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

STIPULATED AND AGREED this 19 day of October 2011.

ROBERT M. MCKENNA
Attorney General



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

10/19/2011
DATE



LARRY E. HAZEN, WSBA #31046
Attorney at Law
Counsel for Licensee
El Club, Inc. d/b/a El Parral

10/11/2011
DATE



TERESA RODRIGUEZ
Governing Officer
El Club, Inc. d/b/a El Parral

10/11/2011
DATE



**Washington State
Liquor Control Board**

November 4, 2011

Larry Hazen, Attorney for Licensee
601 Main Street, Ste 201
Vancouver, WA 98660-3403

El Club Inc, Licensee
d/b/a El Parral
9114 NE 40th Ave
Vancouver, WA 98665-3132

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 AGREEMNT
LICENSEE: El Club Inc
TRADE NAME: El Parral
LOCATION: 704 Main Street, Vancouver, WA 98665
LICENSE APPLICATION NO. 079847-1L
UBI: 602 891 159 001 0001**

LCB NOS:	23,787	23,825	23,869	-	-
AVN NOS:	1L0226A	1J1012C	1L1215A	1L1197A	1L1217A

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.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Tacoma and Vancouver Enforcement and Education Divisions, WSLCB
Teresa Young, WSLCB
Beth Lehman, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 EL CLUB INC
6 d/b/a EL PARRAL
7 704 MAIN STREET
8 VANCOUVER, WA 98660-3121

9 LICENSEE

LICENSE NO. 079847-1L

LCB NOS. 23,787; 23,825; 23,869 AND
AVN NOS: 1L1197A; 1L1217A

DECLARATION OF SERVICE BY MAIL

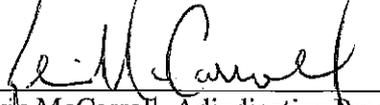
10 I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING
11 STIPULATED SETTLEMENT AGREEMENT in the above-referenced matter to be served on all
12 parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for
13 licensees, by Campus Mail for the Office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

15 LARRY HAZEN, ATTORNEY FOR LICENSEE
16 601 MAIN STREET, STE 201
17 VANCOUVER, WA 98660-3403

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

18 EL CLUB INC, LICENSEE
19 d/b/a EL PARRAL
20 9114 NE 40TH AVE
VANCOUVER, WA 98665-3132

21 DATED this 4th day of November, 2011, at Olympia, Washington.

22
23 
24 Kevin McCarroll, Adjudicative Proceedings Coordinator
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