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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

CASE NO. 23,806

CHARLIE'S BAR AND GRILL, INC.  
d/b/a CHARLIES BAR AND GRILL

ORDER OF THE BOARD TO  
AMEND FINAL ORDER  
PENALTY

3315 NE 112<sup>TH</sup> AVENUE  
VANCOUVER, WA 98682

~~PROPOSED~~

LICENSEE

LICENSE NO. 076348  
AVN NO. 1J0351C

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and STEPHANIE U. HAPPOLD, Assistant Attorney General, and CHARLIE'S BAR AND GRILL, INC. d/b/a CHARLIES BAR AND GRILL (Licensee) of Vancouver, Washington, through its attorney, CURT WYRICK having presented a Stipulated Motion to Amend Final Order Penalty for Case No. 23,806, and the Board having considered the stipulated motion and having had the opportunity to review the file materials maintained in this case, now therefore:

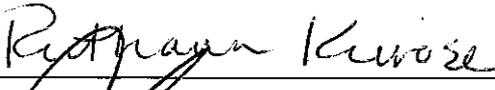
IT IS HEREBY ORDERED that the Final Order is amended to reflect that the Licensee closing its business, voluntarily relinquishing the liquor license, and no longer having an interest in the license at issue satisfies the penalty for the violation sustained in the Board's December 21, 2012, Final Order.

1 IT IS HEREBY FURTHER ORDERED that Case No. 23,806 is now closed.

2 DATED this 26 day of June, 2012.

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4 WASHINGTON STATE LIQUOR CONTROL BOARD

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JUN 25 2012

Liquor Control Board  
Board Administration

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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

CHARLIE'S BAR AND GRILL, INC. d/b/a  
CHARLIES BAR AND GRILL

3315 NE 112<sup>TH</sup> AVENUE  
VANCOUVER, WA 98682

LICENSEE

LICENSE NO. 076348  
AVN NO. 1J0351C

OAH NO. 2011-LCB-0007  
LCB NO. 23,806

STIPULATED MOTION TO  
AMEND FINAL ORDER  
PENALTY FOR NO. 23,806

**MOTION**

The Washington State Liquor Control Board (Board) Education and Enforcement Division (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General and STEPHANIE U. HAPPOLD, Assistant Attorney General, and CHARLIE'S BAR AND GRILL, INC. d/b/a CHARLIES BAR AND GRILL (Licensee) of Vancouver, Washington, through its attorney, CURT WYRICK, hereby present this Stipulated Motion to Amend Final Order Penalty for Case No. 23,806 as the Licensee has closed its business, relinquished its liquor license, and dismissed its Petition for Judicial Review filed in Clark County Superior Court.

**I. BRIEF FACTUAL BACKGROUND**

On December 22, 2010, Enforcement issued an Administrative Violation Notice (AVN) to the Licensee for a violation of RCW 66.44.270(1). After the Licensee requested a formal

1 hearing, the Board issued a Complaint charging that “on or about December 17, 2010, the  
2 Licensee, or an employee thereof, gave, sold, and/or supplied liquor to a person under the age  
3 of twenty-one.”

4 An administrative hearing was held on July 28, 2011. Administrative Law Judge Lewis  
5 issued her Initial Order on September 23, 2011, sustaining the Board’s Complaint. The  
6 Licensee submitted to the Board its Petition for Review of the Initial Order on or about  
7 October 6, 2011. Enforcement filed its Petition for Review and Reply on November 1, 2011.  
8 Licensee replied on November 7, 2011.

9 On December 22, 2011, the Board’s Final Order was served to the parties, striking ALJ  
10 Lewis’ Conclusions of Law 10, 11, and 12 and affirming the rest of the initial order. The Board  
11 also imposed a penalty of a thirty (30) day suspension of the liquor license for the sustained  
12 violation.

13 On January 2, 2012, the Licensee filed a Petition for Judicial Review in Clark County  
14 Superior Court. On January 17, 2012, a Stipulation for an Order Staying Administrative Action  
15 Pending Appeal was filed in Clark County to stay the thirty day liquor license suspension until  
16 resolution of the judicial review. The order was signed and filed on the same day.

17 On January 26, 2012, the Clark County Superior Court issued an order staying the  
18 judicial review proceedings pending the outcome of the Washington State Court of Appeals  
19 Division II COA No. 42827-0-II that addressed many of the same issues in the current action.

20 During this time, Licensee closed its business and let its liquor license expire. Because  
21 of the business closure, the parties entered a stipulated motion and order to dismiss the Petition  
22 for Judicial Review in Clark County Superior Court. The court dismissed the case on June 12,  
23 2012. A copy of the stipulation and order is attached as Attachment “A” of this Motion.

24 **II. STIPULATION**

25 Enforcement and the Licensee agree to the following:  
26





**Washington State  
Liquor Control Board**

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June 27, 2012

Curt Wyrick, Attorney for Licensee  
12602 NW 46<sup>th</sup> Ave  
Vancouver, WA 98685-3329

Charlie's Bar & Grill, Inc.  
d/b/a Charlie's Bar & Grill  
3315 NE 112<sup>th</sup> Street  
Vancouver, WA 98662-8733

Stephanie U. Happold, AAG  
GCE Division, Office of Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

**RE: ORDER OF THE BOARD TO AMEND FINAL ORDER PENALTY**

**LICENSEE: Charlie's Bar & Grill, Inc.**

**TRADE NAME: Charlie's Bar & Grill**

**LOCATION: 3315 NE 112<sup>th</sup> Street, Vancouver, WA 98662**

**LICENSE NO. 076348-1J**

**ADMINISTRATIVE VIOLATION NOTICE NO. 1J0351C**

**LCB HEARING NO. 23,806**

**UBI: 601 247 164 001 0001**

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the order in the above-referenced matter, as well as a copy of the Stipulated Motion to Amend Final Order Penalty for 23,806.

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

Sincerely,

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures

cc: Tacoma and Vancouver Enforcement and Education Divisions, WSLCB  
Teresa Young, 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. 23,806

CHARLIE'S BAR & GRILL, INC.  
d/b/a CHARLIE'S BAR & GRILL  
3315 NE 112<sup>TH</sup> STREET  
VANCOUVER, WA 98662

DECLARATION OF SERVICE BY MAIL

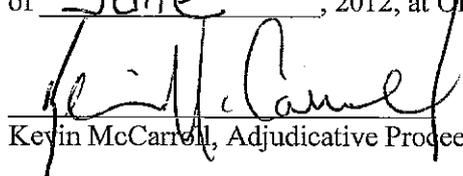
LICENSEE

LICENSE NO. 076348  
AVN NO. 1J0351C

I certify that I caused a copy of the ORDER OF THE BOARD TO AMEND FINAL ORDER PENALTY 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:

CURT WYRICK, ATTORNEY FOR LICENSEE 12602 NW 46 <sup>TH</sup> AVE VANCOUVER, WA 98685-3329	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION STEPHANIE U. HAPPOLD, ASSISTANT ATTORNEY GENERAL
CHARLIE'S BAR & GRILL, INC. d/b/a CHARLIE'S BAR & GRILL 3315 NE 112 <sup>TH</sup> STREET VANCOUVER, WA 98662-8733	

DATED this 27<sup>th</sup> day of June, 2012, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED

JUN 25 2012

Liquor Control Board  
Board Administration



Rob McKenna

**ATTORNEY GENERAL OF WASHINGTON**

Government Compliance & Enforcement Division  
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

**MEMORANDUM**

DATE: June 25, 2012

TO: Washington State Liquor Control Board  
MS 43076

FROM: Stephanie U. Happold   
Assistant Attorney General  
MS 40100

SUBJECT: **Recommendation to sign the Order to Amend Final Order Penalty  
Based on Parties' Stipulated Motion to Amend  
Charlie's Bar and Grill, Inc. d/b/a Charlie's Bar and Grill  
License No. 076348  
Board Hearing File No. 23,806**

The parties have signed a Stipulated Motion to Amend Final Order Penalty and Proposed Order, which is attached for your consideration and action.

The Washington State Liquor Control Board Enforcement Division issued a Complaint based on Administrative Violation Notice (AVN) No. 1J0351C alleging that on or about December 17, 2010, the above-named Licensee or employee(s) thereof, gave, sold and/or supplied liquor to a person under the age of twenty-one (21), contrary to RCW 66.44.270(1). As it is the third violation of its type within a two-year period, it carries with it a standard penalty of a 30-day suspension.

An administrative hearing was held on July 28, 2011, and an Initial Order was issued sustaining the Complaint. On December 22, 2011, the Board's Final Order was served to the parties, striking ALJ Lewis' Conclusions of Law 10, 11, and 12 and affirming the rest of the initial order.

On January 2, 2012, the Licensee filed a Petition for Judicial Review in Clark County Superior Court. On January 17, 2012, a Stipulation for an Order Staying Administrative Action Pending Appeal was filed in Clark County to stay the thirty day liquor license suspension until resolution of the judicial review. On January 26, 2012, the Clark County Superior Court issued an order staying the judicial review proceedings pending the outcome of the Washington State Court of Appeals Division II COA No. 42827-0-II.

During this time, Licensee closed its business and let its liquor license expire. Because of the business closure, the parties entered a stipulated motion and order to dismiss the Petition for Judicial Review in Clark County Superior Court. The court dismissed the case on June 12, 2012.

ATTORNEY GENERAL OF WASHINGTON

Washington State Liquor Control Board

June 25, 2012

Page 2

The parties agree that Licensee's closure of the business and voluntarily relinquishment of the license shall act in lieu of the penalties.

I therefore recommend that you enter an Order to amend the Final Order's penalty accordingly.

Thank you for your attention to this matter.

SH:cv

Attachments

cc: Curt Wyrick, Attorney for Licensee