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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. 23,807

TACKLE ELIGIBLE INC d/b/a
EARL'S ON THE AVE

FINAL ORDER OF THE BOARD

4333 UNIVERSITY AVE NE
SEATTLE, WA 98105-5808

~~PROPOSED~~

LICENSE NO. 080101
AVN NO. 2Y0302A

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 TIMOTHY D. FORD, Assistant Attorney General, and the Licensee, TACKLE ELIGIBLE INC d/b/a EARL'S ON THE AVE, through its attorney, DAVE MALONE, and the Board having considered the Stipulated Settlement Agreement and Enforcement'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:

IT IS HEREBY ORDERED the Board accepts, adopts, and incorporates herein by reference the stipulated Settlement Agreement between Enforcement and the Licensee in the above-captioned matter and further that the violation set forth in the Complaint dated May 16, 2011 is sustained and the Licensee shall pay a total monetary penalty of two thousand, one hundred dollars (\$2,100) for the above-referenced violation. The Licensee shall pay the

FINAL ORDER OF THE BOARD
~~PROPOSED~~

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

TACKLE ELIGIBLE INC d/b/a
EARL'S ON THE AVE
LCB NO. 23,807

1 monetary penalty within thirty (30) days of the date of the Final Order of the Board. All
2 payments shall be sent to:

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

6 In the event the Licensee fails to make a full and timely payment, the Licensee shall serve a
7 seven (7) day suspension of its liquor license, the dates and time of which shall be set by the
8 Washington State Liquor Control Board.

9 DATED this 4th day of October, 2011.

10 WASHINGTON STATE LIQUOR CONTROL BOARD

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SEP 27 2011

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,807

TACKLE ELIGIBLE INC d/b/a
EARL'S ON THE AVE.

STIPULATION AND
SETTLEMENT AGREEMENT

4333 UNIVERSITY WAY NE
SEATTLE, WA 98105-5808

LICENSEE

LICENSE NO. 080101
AVN NO. 2Y0302A

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General, and TIMOTHY D. FORD, Assistant Attorney General, and the Licensee, TACKLE ELIGIBLE INC d/b/a EARL'S ON THE AVE, through its attorney, DAVE MALONE, hereby enter into this stipulated settlement agreement for Liquor Control Board Case Number 23,807.

I. INTRODUCTION

The Washington State Liquor Control Board, Enforcement and Education Division charged the above-named Licensee, with an Administrative Violation Notice (AVN) No. 2Y0302A and Complaint dated May 16, 2011, with the following alleged violation of the Washington State Liquor Control Board rules and regulations:

STIPULATION & SETTLEMENT
AGREEMENT

1

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

TACKLE ELIGIBLE INC d/b/a
EARL'S ON THE AVE
LCB NO. 23,807

1 On or about October 30, 2010, the above named licensee sold, allowed, and/or
2 permitted an apparently intoxicated person(s) to consume liquor and/or possess liquor on the
3 licensed premises, contrary to RCW 66.44.200 and/or WAC 314-16-150.

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

6 II. AGREEMENT OF THE PARTIES

7 Enforcement and the Licensee agree to the following:

8 1. Enforcement and the Licensee enter into this agreement to avoid the time and
9 expense of further litigation. The Licensee explicitly waives the right of further administrative
10 review of all matters related to the above-referenced violation. The Licensee hereby
11 voluntarily withdraws its requests for a hearing in this matter.

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

14 3. The Licensee admits the violation set forth above and referenced in the
15 Complaint: on or about October 30, 2010, the above named licensee sold, allowed, and/or
16 permitted an apparently intoxicated person(s) to consume liquor and/or possess liquor on the
17 licensed premises, contrary to RCW 66.44.200 and/or WAC 314-16-150.

18 4. The Licensee acknowledges this is the Licensee's second violation of this type
19 within a twenty-four (24) month period, which carries a standard penalty of a seven (7) day
20 suspension of the liquor license.

21 5. The Licensee agrees to pay a two thousand, one hundred dollar (\$2,100)
22 monetary penalty for the above-referenced violation. The amount shall be paid within thirty
23 (30) days of the date of the final order of the Washington State Liquor Control Board.
24 Payment shall be made to the Washington State Liquor Control Board no later than 4:00 p.m.
25 on the applicable date.
26

1 6. In the event that the licensee does not make a timely payment, the Licensee
2 shall serve a seven (7) day suspension, pursuant to WAC 314-17-105; the dates and times of
3 which shall be set by the Washington State Liquor Control Board.

4 7. 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.

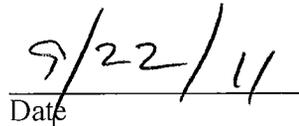
8 8. The parties recognize that this settlement agreement is subject to approval by
9 the Washington State Liquor Control Board.

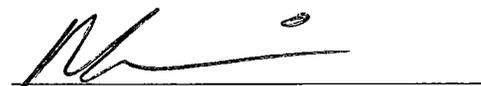
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11 STIPULATED AND AGREED TO by:

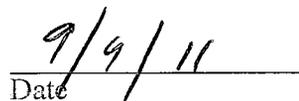
12 ROBERT M. MCKENNA
13 Attorney General

14 

15 TIMOTHY D. FORD, WSBA #29254
16 Assistant Attorney General
17 Attorneys for Washington State
18 Liquor Control Board Education
19 and Enforcement Division

20 
21 Date

22 
23 ROBERT MCLAUGHLIN, Owner
24 TACKLE ELIGIBLE INC d/b/a
25 EARL'S ON THE AVE
26 LICENSEE

27 
28 Date

29 
30 DAVE MALONE, WSBA #23435
31 Attorney for Licensee

32 
33 Date



Washington State
Liquor Control Board

October 6, 2011

David Malone, Attorney for Licensee
Miller Malone & Tellefson
3110 Ruston Way Ste F
Tacoma, WA 98402-5307

Tackle Eligible Inc, Licensee
d/b/a Earl's On the Ave
4333 University Way NE
Seattle, WA 98105-5808

Timothy Ford, 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: Tackle Eligible Inc.

TRADE NAME: Earl's On the Ave

LOCATION: 4333 University Way NE, Seattle, WA 98105-5808

LICENSE NO. 080101-2B

ADMINISTRATIVE VIOLATION NOTICE NO: 2Y0302A

LCB HEARING NO. 23,807

UBI: 602 441 617 001 0003

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 November 5, 2011. If payment is not received timely, then suspension will take place from 10:00 a.m. on December 2, 2011 until 10:00 a.m. on December 9, 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: Tukwila and Seattle 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

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,807

TACKLE ELIGIBLE INC
D/B/A EARL'S ON THE AVE
4333 UNIVERSITY WAY NE
SEATTLE, WA 98105-5808

DECLARATION OF SERVICE BY MAIL

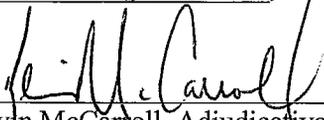
LICENSEE

LICENSE NO. 080101
AVN NO. 2Y0302A

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

DAVID MALONE, ATTORNEY FOR LICENSEE MILLER MALONE & TELLEFSON 3110 RUSTON WAY STE F TACOMA, WA 98402-5307	TIMOTHY FORD, ASSISTANT ATTORNEY GENERAL, GCE DIVISION OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100
ROBERT MCLAUGHLIN TACKLE ELIGIBLE INC, LICENSEE D/B/A EARL'S ON THE AVE 4333 UNIVERSITY WAY NE SEATTLE, WA 98105-5808	

DATED this 6th day of October, 2011, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator