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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

SWIMMERS, INC. d/b/a
HERB'S

80 First Street South
Friday Harbor, WA 98250

LICENSEE

LICENSE NO. 350658
AVN NO. 3D0351A

LCB NO. 23,811

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, SWIMMERS, INC. d/b/a HERB'S (Licensee) through its representative SHELLEY BORAHAN, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board Case No. 23,811 (AVN No. 3D0351A), 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 AVN No. 3D0351A is sustained and the Licensee shall pay a monetary penalty of three hundred dollars (\$300) within thirty (30) days of the date of this Final Order. Payment shall be sent to:

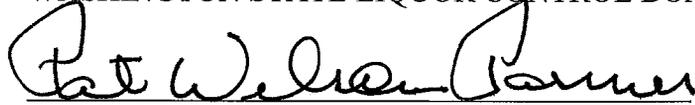
1 Washington State Liquor Control Board
2 PO Box 43085
3 Olympia, WA 98504-3085

4 In the event the Licensee fails to make full and timely payment of the monetary penalty, the
5 Licensee shall serve a three (3) day suspension of its liquor license, the dates and time of which
6 shall be set by the Washington State Liquor Control Board.

7 IT IS FURTHER ORDERED that the Licensee and all of her employees will
8 participate in a responsible liquor and tobacco sales class provided by Enforcement, no later
9 than 60 days after the date of the Final Order of the Board.

10 DATED this 4th day of April, 2011.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 

13 PAT WILSON PARMER, CHIEF
14 ENFORCEMENT AND EDUCATION DIVISION

RECEIVED

APR 04 2011

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,811

SWIMMERS, INC. d/b/a HERB'S

STIPULATED SETTLEMENT
AGREEMENT

80 First Street South
Friday Harbor, WA 98250

LICENSEE

LICENSE NO. 350658
AVN NO. 3D0351A

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, SWIMMERS, INC. d/b/a HERB'S (Licensee) through its representative SHELLEY BORAHAN, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,811, AVN No. 3D0351A.

I. INTRODUCTION

1. Prior to issuance of a complaint, Enforcement alleges that on or about December 17, 2010, the above-named Licensee or employee thereof, sold liquor to a person apparently under the influence of liquor, contrary to RCW 66.44.200.

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

STIPULATED SETTLEMENT
AGREEMENT

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

HERB'S
LCB NO. 23,811

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II. AGREEMENT OF THE PARTIES

Enforcement and the Licensee agree to the following:

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

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

3. The Licensee admits to the violation set forth in AVN No. 3D0351A. Specifically, it admits that on or about December 17, 2010, the above-named Licensee or employee thereof, sold liquor to a person apparently under the influence of liquor.

4. The parties agree that this is the Licensee's first violation of this type within a twenty-four (24) month period, which carries a standard penalty of a five (5) day suspension of the Licensee's liquor license or a monetary penalty of five hundred dollars (\$500).

5. The parties agree that the Licensee will pay a monetary penalty of three hundred dollars (\$300) within 30 days of the date of the Final Order of the Board. Payment shall be sent to:

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

6. In the event that the Licensee fails to make full and timely payment of the monetary penalty as required in Section II, Paragraph 5, the Licensee shall serve a three (3) day suspension of its liquor license, the dates and time of which shall be set by the Washington State Liquor Control Board.

7. The Licensee further agrees that all of its employees will participate in a responsible liquor sales class provided by Enforcement, no later than 60 days after the date of the Final Order of the Board.



Washington State
Liquor Control Board

April 5, 2011

Swimmers, Inc.
d/b/a Herb's
PO Box 914
Friday Harbor, WA 98250-7973

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: Swimmers, Inc.
TRADE NAME: Herb's
LOCATION: 80 1st Street, Friday Harbor, WA 98250
LICENSE NO. 350658
ADMINISTRATIVE VIOLATION NOTICE NO: 3D0351A
LCB HEARING NO. 23,811
UBI: 602 273 709 001 0001

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Final Order for the above referenced matter along with a copy of the Stipulated Settlement Agreement.

The applicable monetary penalty is due by May 5, 2011. If payment is not received timely then suspension will take place from 12:00 p.m. on May 20, 2011 until 12:00 p.m. on May 23, 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: Mt Vernon Enforcement and Education Division, WSLCB
Amber Harris, WSLCB

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,811

5 SWIMMERS, INC.
6 d/b/a HERB'S
7 80 1ST STREET
8 FRIDAYHARBOR, WA 98250

DECLARATION OF SERVICE BY
MAIL

9 LICENSEE

10 LICENSE 350658
AVN NO. 3D0351A

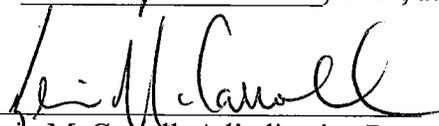
11 I certify that I caused a copy of the *FINAL ORDER OF THE BOARD* in the above-
12 referenced matter to be served on all parties or their counsel of record by US Mail Postage
13 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
14 Attorney General, on the date below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

16 SWIMMERS, INC.
17 d/b/a HERB'S
18 PO BOX 914
FRIDAY HARBOR, WA 98250-7973

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

19 SWIMMERS, INC.
20 d/b/a HERB'S
80 1ST STREET
FRIDAYHARBOR, WA 98250

21 DATED this 5th day of April, 2011, at Olympia, Washington.

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23 
24 Kevin McCarroll, Adjudicative Proceedings Coordinator
25
26

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