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5 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

6 BIGELOW'S, INC. d/b/a BIGELOW'S
7 TOP HAT PUB AND GRILL

8 6412 N. Division
9 Spokane, WA 99218

10 **LICENSEE**

11 LICENSE NO. 352518
12 AVN NO. 4L0365C

LCB NO. 23,812

FINAL ORDER OF THE BOARD

~~PROPOSED~~

13 THIS MATTER having come before the Washington State Liquor Control Board
14 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
15 (Enforcement) having been represented by its attorneys, ROBERT M. MCKENNA, Attorney
16 General and BRIAN J. CONSIDINE, Assistant Attorney General and the Licensee,
17 BIGELOW'S TOP HAT PUB AND GRILL (Licensee) through its representative KAREN
18 BIGELOW, and the parties having voluntarily entered into a stipulated settlement agreement
19 for Liquor Control Board Case No. 23,812 (AVN No. 4L0365C), and the Board having
20 considered the stipulated settlement agreement and Enforcement's Memorandum
21 recommending acceptance of the stipulated settlement agreement, and the Board having had
22 the opportunity to review the file materials maintained in this case, now therefore

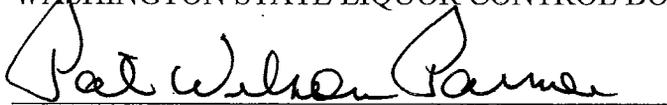
23 IT IS HEREBY ORDERED that the allegation set forth in AVN No. 4L0365C is
24 sustained and the Licensee shall pay a monetary penalty of three hundred dollars (\$300) within
25 sixty (60) days of the date of this Final Order. Payment shall be sent to:

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

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

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5 DATED this 10th day of May, 2011.

6 WASHINGTON STATE LIQUOR CONTROL BOARD

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8 PAT WILSON PARMER, CHIEF
9 ENFORCEMENT AND EDUCATION DIVISION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,812

BIGELOW'S, INC. d/b/a BIGELOW'S
TOP HAT PUB AND GRILL

STIPULATED SETTLEMENT
AGREEMENT

6412 N. Division
Spokane, WA 99218

LICENSEE

LICENSE NO. 352518
AVN NO. 4L0365C

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, BIGELOW'S, INC. d/b/a BIGELOW'S TOP HAT PUB AND GRILL (Licensee) through its representative KAREN BIGELOW, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,812, AVN No. 4L0365C.

I. INTRODUCTION

1. Enforcement alleges that on or about December 31, 2010, the above-named Licensee or employee thereof, was apparently intoxicated on the licensed premises, contrary to WAC 314-11-015(3)(a).

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

1 **II. AGREEMENT OF THE PARTIES**

2 Enforcement and the Licensee agree to the following:

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

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

8 3. The Licensee admits to the violation set forth in AVN No. 4L0365C.
9 Specifically, it admits that on or about December 31, 2010, the above-named Licensee, or
10 employee thereof, was apparently intoxicated on the licensed premises.

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

14 5. The parties agree that the Licensee will pay a monetary penalty of three hundred
15 dollars (\$300). The parties also agree that the Licensee can pay the monetary penalty within
16 60 days of the date of the Final Order of the Board. Payment shall be sent to:

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

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

24 7. This agreement constitutes the final written expression of all the terms of this
25 agreement and is a complete and exclusive statement of these terms.
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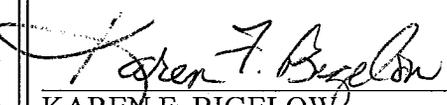
1 8. The parties recognize that this settlement agreement is subject to approval by
2 the Washington State Liquor Control Board.

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4 ROBERT M. MCKENNA
5 Attorney General

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

5/2/11

DATE

11 
12 KAREN F. BIGELOW
13 Representative for Bigelow's, Inc., Licensee

4/14/11

DATE



Washington State
Liquor Control Board

May 10, 2011

Bigelow's Inc, Licensee
d/b/a Bigelow's Top Hat Pub and Grill
10720 N Kensington Ct
Spokane, WA 99218-2483

Brian J. 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: Bigelow's Inc
TRADE NAME: Bigelow's Top Hat Pub and Grill
LOCATION: 6412 N Division St, Spokane, WA 99208-3936
LICENSE NO. 352518-4P
ADMINISTRATIVE VIOLATION NOTICE NO: 4L0365C
LCB HEARING NO. 23,812
UBI: 602 529 963 001 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 July 11, 2011. If payment is not received timely then suspension will take place from 10:00 a.m. on July 22, 2011 until 10:00 a.m. on July 25, 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
Amber Harris, WSLCB

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

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,812

5 BIGELOW'S INC
6 d/b/a BIGELOW'S TOP HAT PUB
AND GRILL
7 6412 N DIVISION ST
SPOKANE, WA 99208-3936

DECLARATION OF SERVICE BY
MAIL

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9 LICENSEE

10 LICENSE NO. 352518-4P
11 AVN NO. 4L0365C

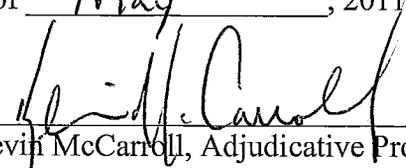
12 I certify that I caused a copy of the *FINAL ORDER OF THE BOARD* in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
15 Attorney General, on the date below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

17 BIGELOW'S INC
18 d/b/a BIGELOW'S TOP HAT PUB AND GRILL
19 6412 N DIVISION ST
SPOKANE, WA 99208-3936

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

20 BIGELOW'S INC, LICENSEE
21 d/b/a BIGELOW'S TOP HAT PUB AND GRILL
10720 N KENSINGTON CT
SPOKANE, WA 99218-2483

22
23 DATED this 10th day of May, 2011, at Olympia, Washington.

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25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

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