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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,841

A & U CORPORATION d/b/a
MIDWAY SHELL
23031 PACIFIC HWY S
DES MOINES, WA 98188

FINAL ORDER OF THE BOARD

~~PROPOSED~~

LICENSEE

LICENSE NO. 368794
AVN NO. 201099D

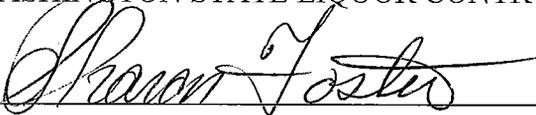
THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General, and TIMOTHY D. FORD, Assistant Attorney General, and the Licensee, A & U CORPORATION d/b/a MIDWAY SHELL, through its representative, NACHHATAR UPPAL, 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:

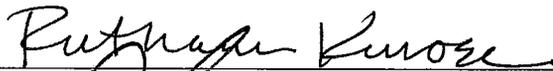
IT IS HEREBY ORDERED the Board accepts, adopts, and incorporates herein by reference the Stipulated Settlement Agreement between Enforcement and the Licensee in the above-captioned matter and further that the violation set forth in the AVN No. 201099D served on April 14, 2011 is sustained and the Licensee shall serve a fifty (50) day suspension of License No. 368794, effective July 6, 2011, at 10:00 a.m. through August 25, 2011, at 10:00

1 a.m. The Licensee further agrees to pay a total monetary penalty of ten thousand dollars
2 (\$10,000.00) in four (4) separate payments as set forth in the stipulated settlement agreement.
3 The Licensee shall ensure that all employees review on a quarterly basis the licensee
4 alcohol/tobacco handbook "Responsible Alcohol Sales: A Guide for Washington's Retail Stores",
5 and also the Licensee agrees that all employees shall attend LCB free "Responsible Alcohol and
6 Tobacco Sales" classes on a quarterly basis for a two (2) year period from the date of this Final
7 Order of the Board. In the event the Licensee fails to comply with any requirement of the
8 stipulated settlement agreement as adopted by this final order, then the standard penalty of
9 license cancellation shall be imposed.

10 DATED this 29th day of JUNE, 2011.

11
12 WASHINGTON STATE LIQUOR CONTROL BOARD

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RECEIVED

JUN 29 2011

LIQUOR CONTROL BOARD
BOARD ADMINISTRATION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

A & U CORPORATION d/b/a
MIDWAY SHELL
23031 PACIFIC HWY S
DES MOINES, WA 98198

LICENSEE

LICENSE NO. 368794
AVN NO. 201099D

LCB NO. 23,841

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board (LCB) Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and TIMOTHY D. FORD, Assistant Attorney General, and A & U CORPORATION d/b/a MIDWAY SHELL, through its representative, NACHHATAR UPPAL, hereby enter into this Stipulation and Settlement Agreement for LCB case No. 23,841 (Administrative Violation Notice [AVN] No. 201099D).

I. INTRODUCTION

In LCB case No. 23,841, the Enforcement Division of the Washington State Liquor Control Board served the licensee with AVN No. 201099D on April 14, 2011. AVN No. 201099D alleges that on or about April 9, 2011, the Licensee or employee(s) thereof sold, gave or otherwise supplied liquor to a person(s) under twenty-one (21) years of age, contrary to RCW 66.44.270 and WAC 314-11-020.

1 **II. AGREEMENT OF THE PARTIES**

2 Enforcement and the Licensee agree to the following:

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

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

8 3. This Agreement constitutes the final written expression of all the terms of this
9 Agreement and is a complete and exclusive statement of these terms.

10 4. The Licensee admits to the violation set forth in AVN No. 201099D.
11 Specifically, the Licensee stipulates that on or about April 9, 2011, an employee of the
12 Licensee sold, gave or otherwise supplied liquor to a person under twenty-one (21) years of
13 age.

14 5. The parties agree that this is the fourth violation of its type within a two (2) year
15 period, and as such, the standard penalty is cancellation of the license.

16 6. In consideration of and for this settlement agreement, the Licensee agrees to
17 serve a fifty (50) day suspension of its liquor license, effective July 6, 2011, at 10:00 a.m.
18 through August 25, 2011, at 10:00 a.m. The Licensee further agrees to pay a total monetary
19 penalty of ten thousand dollars (\$10,000.00). The Licensee shall pay the monetary penalty in
20 four (4) separate payments. The first payment of two thousand five hundred dollars
21 (\$2,500.00) shall be made no later than thirty (30) days of entry of the Final Order of the
22 Board. The second payment of two thousand five hundred dollars (\$2,500.00) shall be made
23 no later than sixty (60) days after entry of the Final Order of the Board. The third payment of
24 two thousand five hundred dollars (\$2,500.00) shall be made no later than ninety (90) days
25 after entry of the Final Order of the Board. The fourth and final payment of two thousand five
26 hundred dollars (\$2,500.00) shall be made no later than one hundred twenty (120) days after

1 entry of the Final Order of the Board.

2 Payments shall be made out to the Washington State Liquor Control Board no later than
3 4:00 p.m. on the applicable dates and sent to:

4 Washington State Liquor Control Board
5 P.O. Box 43085
6 Olympia, WA 98504-3085

7 7. The Licensee agrees that all employees shall review on a quarterly basis the
8 licensee alcohol/tobacco handbook "Responsible Alcohol Sales: A Guide for Washington's
9 Retail Stores", and also the Licensee agrees that all employees shall attend LCB free
10 "Responsible Alcohol and Tobacco Sales" classes on a quarterly basis for a two (2) year period
11 from the date of the Final Order of the Board.

12 8. The Licensee acknowledges that Enforcement will seek cancellation of
13 Licensee's liquor license should Licensee commit any further public safety violations within
14 the two (2) year time period following entry of the Board's Final Order.

15 9. In the event that the Licensee does not fully and timely satisfy the penalties set
16 forth in Section II, Paragraph 6 & 7, then the standard penalty of license cancellation shall be
17 imposed.

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

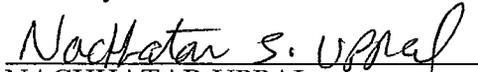
20 STIPULATED AND AGREED TO by:

21 ROBERT M. MCKENNA
22 Attorney General

23 

24 TIMOTHY D. FORD, WSBA #29254
25 Assistant Attorney General
26 Attorney for LCB Enforcement

6/28/11
DATE

27 
28 NACHHATAR UPPAL
29 Vice President for A & U
30 CORPORATION d/b/a MIDWAY
31 SHELL, Licensee

6-26-11
DATE



Washington State
Liquor Control Board

June 30, 2011

Nachhatar Uppal
U & A Corporation, Licensee
d/b/a Midway Shell
20207 105th Ave SE
Kent, WA 98031-1582

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: U & A Corporation
TRADE NAME: Midway Shell
LOCATION: 23031 Pacific Hwy S, Des Moines, WA 98198-7269
LICENSE NO. 368794-20
ADMINISTRATIVE VIOLATION NOTICE NO: 201099D
LCB HEARING NO. 23,841
UBI: 602 190 667 001 0001

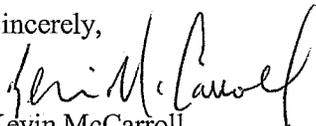
Dear Parties:

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 payments are due as follows: The first payment is due by July 30, 2011; the second payment is due by August 29, 2011; the third payment is due by September 28, 2011; the fourth payment is due by October 28, 2011.

The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the checks 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: Tukwila 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. 23,841

5 U & A CORPORATION
6 d/b/a MIDWAY SHELL
7 23031 PACIFIC HWY S
8 DES MOINES, WA 98189-7269

DECLARATION OF SERVICE BY
MAIL

LICENSEE

9 LICENSE NO. 368794-20
10 AVN NO. 201099D
11

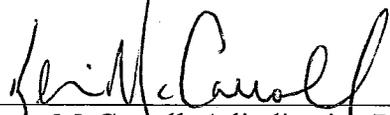
12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees, by Campus Mail for the Office of
15 Attorney General, on the date below to:
16

17 NACHHATAR UPPAL
18 U & A CORPORATION, LICENSEE
19 d/b/a MIDWAY SHELL
20 20207 105TH AVE SE
21 KENT, WA 98031-1582

TIMOTHY FORD, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

22 NACHHATAR UPPAL
23 U & A CORPORATION
24 d/b/a MIDWAY SHELL
25 23031 PACIFIC HWY S
26 DES MOINES, WA 98198-7269

DATED this 30th day of June, 2011, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

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