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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

MOONPIES FOR MISFITS LLC
d/b/a CONTOUR
807 1ST AVENUE
SEATTLE, WA 98115-2436

LICENSEE

LICENSE NO. 359845
AVN NO. 2Z0320B

LCB NO. 23,857

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

~~[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), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and GORDON KARG, Assistant Attorney General, and the Licensee, MOONPIES FOR MISFITS LLC, d/b/a CONTOUR (Licensee), represented by KIRK C. DAVIS, Attorney at Law, and the Board having considered the Stipulated Settlement Agreement and Licensing'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:

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1 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case No.
2 23,857 is approved, that the violations charged in Administrative Violation Notice (AVN) No.
3 2Z0320B, are sustained, and the Licensee shall pay a three hundred dollar (\$300.00) monetary
4 penalty within thirty (30) days of the issuance of this Order and must adhere to all terms set
5 forth in Stipulated Settlement Agreement for Case No. 23,857.

6 DATED this 30 day of SEPTEMBER, 2011.

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8 WASHINGTON STATE LIQUOR CONTROL BOARD

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11 JUSTIN NORDHORN
12 Chief of Enforcement
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RECEIVED

SEP 27 2011

ATTORNEY GENERAL
OF WASHINGTON

Liquor Control Board
Board Administration

SEP 26 2011
GOVERNMENT COMPLIANCE
& ENFORCEMENT

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF

MOONPIES FOR MISFITS LLC
d/b/a CONTOUR
807 1ST AVENUE
SEATTLE, WA 98115

NO. 23,857

SETTLEMENT AGREEMENT

LICENSEE

LICENSE NO. 359845
AVN NO. 2Z0320B

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General and GORDON KARG, Assistant Attorney General, and the Licensee, MOONPIES FOR MISFITS LLC d/b/a CONTOUR (Licensee) represented by KIRK C. DAVIS, Attorney at Law, hereby enter into this Settlement Agreement for LCB Case No. 23,857.

I. INTRODUCTION

On April 13, 2011, the Washington State Liquor Control Board Enforcement and Education Division (Enforcement) issued Administrative Violation Notice (AVN) No. 2Z0320B alleging that on or about October 24, 2010, the above-named Licensee or employee(s) thereof, engaged in or allowed behavior that provokes conduct which presents a threat to public safety contrary to WAC 314-11-015 (3)(c).

SETTLEMENT AGREEMENT

LAW OFFICE OF KIRK C. DAVIS, PLLC
1001 Fourth Ave. Ste. 2388
Seattle, WA 98154
Tel: (206) 684-9339 Fax: (206) 260-3685



COPY

1 II. AGREEMENT OF THE PARTIES

2 Enforcement and the Licensee have agreed to enter into the following Stipulated
3 Settlement Agreement concerning the above-referenced case. Enforcement and the
4 Licensee agree to the following:

- 5
- 6 1. Enforcement and the Licensee enter into this agreement to avoid the time and
7 expense of further litigation.
- 8
- 9 2. The Licensee explicitly waives the right of further administrative review of all
10 matters related to the above-referenced case. Furthermore, the Licensee hereby
11 voluntarily withdraws its request for a hearing on this matter.
- 12
- 13 3. This Agreement constitutes the final written expression of all the terms of this
14 agreement and is a complete and exclusives statement of these terms.
- 15
- 16 4. The Licensee disputes the truth of the allegations contained in the above-
17 referenced AVN No. 2Z0320B. However, in order to take advantage of
18 Enforcement's offer of settlement, to avoid legal expenses attendant with further
19 proceedings, and in recognition of the fact that if this matter were to proceed to a
20 hearing there is a risk to the Licensee that an administrative proceeding would
21 result in the conclusion that: on or about October 24, 2010, the above-named
22 Licensee or employee(s) thereof, engaged in or allowed behavior that provokes
23 conduct which presents a threat to public safety contrary to WAC 314-11-015
24 (3)(c). Therefore, the Licensee agrees to stipulate to the violations set forth in the
25 above-referenced AVN No. 2Z0320B solely to take advantage of Enforcement's
26 offer of settlement.

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5. The parties agree that the Washington State Liquor Control Board will consider that the violations set forth in the above referenced AVN No. 2Z0320B, as specified at Part I and Part II, ¶4, have been sustained.
6. The Licensee acknowledges 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 hundred dollar (\$500) monetary penalty or a five (5) day suspension of the liquor license.
7. The Licensee agrees to pay a three hundred dollar monetary penalty (\$300) payable within thirty days of the issuance of a final order by the Board adopting and approving this stipulated settlement agreement. Payment will be sent directly to: Washington State Liquor Control Board, P.O. Box 43085 Olympia, WA 98504-3085.
8. In the event that the Licensee fails to adhere to the terms of this agreement in any way, the Licensee shall be subject to further penalties to be determined by the Washington State Liquor Control Board.
9. The undersigned parties declare that the terms of this Stipulated Settlement Agreement are completely read, wholly understood, and voluntarily accepted for the purpose of making a full and final compromise and settlement of any and all claims arising from the above-referenced AVN No. 2Z0320B.
10. The parties recognize that this Settlement Agreement is subject to approval by the WASHINGTON STATE LIQUOR CONTROL BOARD.

1 DATED this 26 day of September, 2011.

2 ROBERT M. MCKENNA
3 Attorney General

4 ~~GORDON KARG, WSBA #37178~~
5 Assistant Attorney General
6 Attorneys for Washington State
7 Liquor Control Board Education and
8 Enforcement Division

9 
KIRK C. DAVIS, WSBA #21461
10 Counsel for Licensee

11 
12 CLAYTON C. ALLRED
13 Member
14 Moonpies for Misfits LLC d/b/a Contour

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**Washington State
Liquor Control Board**

October 5, 2011

Kirk C. Davis, Attorney for Licensee
1001 4th Ave Ste 2388
Seattle, WA 98154-1119

Clayton Allred
Moonpies for Misfits LLC, Licensee
d/b/a Contour
3011 NE 95th St
Seattle, WA 98115-2436

Gordon Karg, 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: Moonpies for Misfits LLC
TRADE NAME: Contour
LOCATION: 807 1st Ave, Seattle, WA 98104
LICENSE NO. 359845-2E
ADMINISTRATIVE VIOLATION NOTICE NO: 2Z0320B
LCB HEARING NO. 23,857
UBI: 602 855 932 001 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 is due by November 4, 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: Tukwila and Seattle Enforcement and Education Divisions, WSLCB
Teresa Young, WSLCB

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2
3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,857

5 MOONPIES FOR MISFITS LLC
6 d/b/a CONTOUR
7 807 1ST AVE
8 SEATTLE, WA 98104-1404

DECLARATION OF SERVICE BY MAIL

LICENSEE

9 LICENSE NO. 359845
10 AVN NO. 2Z0320B

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

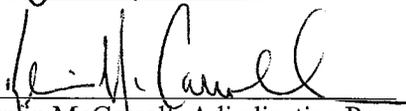
15
16 KIRK C. DAVIS, ATTORNEY FOR LICENSEE
17 1001 4TH AVE STE 2388
SEATTLE, WA 98154-1119

GORDON KARG, ASSISTANT ATTORNEY
GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

18 CLAYTON ALLRED
19 MOONPIES FOR MISFITS LLC, LICENSEE
20 D/B/A CONTOUR
3011 NE 95TH ST
SEATTLE, WA 98115-2436

MOONPIES FOR MISFITS LLC
d/b/a CONTOUR
807 1ST AVE
SEATTLE, WA 98104-1404

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

22
23 
24 Kevin McCarroll, Adjudicative Proceedings Coordinator

25
26
DECLARATION OF SERVICE BY
MAIL