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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,868

David Ross
DER, LLC d/b/a THE ZOO
9310 NE 76th St.
Vancouver, WA 98662-3721

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT
[PROPOSED]

License No. 364096
UBI No. 603 091 657 001 001

The above-titled matter having come before the Board upon a Stipulated Settlement Agreement between the Licensing Division of the Washington State Liquor Control Board (Licensing) and the above-named Licensee/Applicant, and the Board having reviewed the Stipulated Settlement Agreement:

IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case Number 23,868 is approved in its entirety and incorporated herein by reference.

DATED this 10th day of April, 2012.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Hurose *DeW. C. ...*

per telephonic approval
Clint

RECEIVED

APR 06 2012

Liquor Control Board
Board Administration

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of:

OAH No. 2011-LCB-0068
LCB No. 23,868

David Ross
DER, LLC d/b/a THE ZOO
9310 NE 76th St.
Vancouver, WA 98662-3721

SETTLEMENT AGREEMENT

License Application No. 364096
UBI No. 603 091 657 001 001

Licensee/Applicant

The Washington State Liquor Control Board (Board) Licensing Division (Licensing) represented by its attorneys ROBERT M. MCKENNA, Attorney General and STEPHANIE U. HAPPOLD, Assistant Attorney General, and Licensee/Applicant DER, LLC d/b/a The Zoo (Licensee) represented by its registered agent, DAVID ROSS, and by its attorney, LARRY HAZEN, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 23,868.

I. INTRODUCTION

On August 15, 2011, The Liquor Control Board Licensing Division (Licensing) issued its Statement of Intent to Deny Ownership Change and Application for a Nightclub License (Statement to Deny) for the Licensee's liquor license, no. 364096. Licensing based its Statement to Deny on RCW 66.24.010(2), which provides the Board may consider any prior

STIPULATED SETTLEMENT
AGREEMENT

THE ZOO 23,868

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

PROVIDED

1 criminal conduct of the applicant including an administrative violation history record.
2 Licensing also based its decision on WAC 314-07-045, which provides the Board will not
3 normally issue a liquor license to any entity which has three or more public safety violations
4 within two years of the date of application. The Licensee timely requested a hearing on
5 August 17, 2011. The Licensee and Licensing now wish to enter into this settlement
6 agreement (Agreement) concerning the above-referenced case.

7 **II. AGREEMENT OF THE PARTIES**

8 The parties agree to the following:

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

11 2. The Licensee explicitly waives the right of further administrative review of all
12 matters related to the above-referenced denial of the Licensee's change of ownership and
13 nightclub application. The Licensee hereby voluntarily withdraws its requests for a hearing in
14 this matter.

15 3. Licensing agrees to withdraw its Statement to Deny issued on August 15, 2011,
16 and it agrees to continue the application process for the Licensee's change of ownership and
17 nightclub application with the following conditions/restrictions imposed upon the Licensee's
18 liquor license:

- 19 (a) The Licensee's entire licensed premises shall be off-limits to any person under the
20 age of twenty-one years;
- 21 (b) The violation history for the current license no. 364096 at the licensed location
22 shall be applied to any new ownership entity or license type granted to Licensee;
- 23 (c) The Licensee, or its employees, shall always have control over and be responsible
24 for any person allowed onto Licensee's premises and shall not delegate any control
25 or responsibility to a promoter or any other additional person or group;

1 (d) The Licensee shall have an employee as security at all times the premises is open to
2 the public. All security personnel shall have a Mandatory Alcohol Server Training
3 (MAST) Permit before they can work on the Licensee's premises. The Licensee
4 will provide Licensing with proof of each security personnel's MAST Permit
5 before the security personnel can work on the licensed premises;

6 4. The Licensee agrees to a change of ownership and nightclub liquor license with
7 Licensing's conditions/restrictions identified in Section II, Subsection 3(a)-(d).

8 5. Licensee understands that it will still need to satisfy steps involved in the
9 licensing approval process before final approval of the license is given. Licensee must still:

- 10 (a) Provide to Licensing a document from Licensee's landlord correcting the
11 location address to 9310 NE 76th St, Vancouver WA 98662-3721;
- 12 (b) Submit to Licensing a lease renewal signed by its landlord;
- 13 (c) Submit to Licensing an assignment of lease to DER, LLC with its landlord's
14 consent;
- 15 (d) Submit to Licensing the addendum to its lease dated 2/5/07;
- 16 (e) Complete a briefing on liquor laws and regulations by viewing the link on
17 WSLCB's website at www.liq.wa.gov;
- 18 (f) Have a final inspection of the premises by a Liquor Enforcement Officer;
- 19 (g) Complete any other provision or step requested by the WSLCB to satisfy the
20 licensing process.

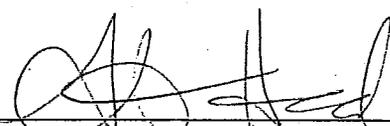
21 6. Licensee understands that it must finish all the requirements in Section II,
22 Subsection 5 (a) – (g) to gain final approval for the new license and ownership change. Any
23 failure by Licensee to satisfy the requirements in Section II, Subsections 3, 4, and 5 will result
24 in the ownership change and nightclub application being denied.

1 7. The parties agree that any violation of this Agreement will be good and
2 sufficient grounds for an administrative action against the Licensee, including but not limited
3 to, revocation of the Licensee's liquor license.

4 8. The undersigned parties declare that the terms of this Agreement are completely
5 read, wholly understood, and voluntarily accepted for the purpose of making a full and final
6 compromise and settlement of any and all issues arising in the above-referenced case.

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

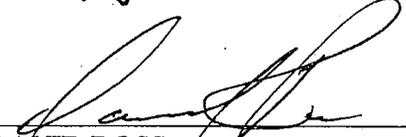
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10 ROBERT M. MCKENNA
11 Attorney General

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13 
14 STEPHANIE U. HAPPOLD, WSBA #38112
Assistant Attorney General
Attorneys for LCB Licensing

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16
17 4/5/2012
DATE

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19 LARRY HAZEN, WSBA #31046
Attorney for Licensee

20
21 4-4-2012
DATE

22
23 
24 DAVID ROSS
25 Representative for DER, LLC, Licensee

26
3-21-12
DATE



**Washington State
Liquor Control Board**

April 12, 2012

Larry E. Hazen, Attorney for Licensee
PO Box 208
Vancouver, WA 98666-0208

David Ross
Der, LLC
The Zoo
9310 NE 76th St
Vancouver, WA 98662-3721

Stephanie U. Happold, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

**RE: FINAL ORDER OF THE BOARD APPROVING STIPULATED SETTLEMENT
AGREEMENT**

LICENSEE/APPLICANT: Der, LLC

TRADE NAME: The Zoo

LOCATION: 9310 NE 76th St, Vancouver, WA 98662

LICENSE NO. 364096-1J

LCB HEARING NO. 23,868

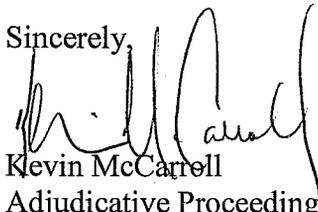
UBI: 603 091 657 001 0001

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, as well as a copy of the Stipulated Settlement Agreement.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,



Kevin McCarrell
Adjudicative Proceedings Coordinator

Enclosures

cc: Beth Lehman, Licensing Supervisor, WSLCB
Tacoma and Vancouver Enforcement Divisions, 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. 23,868

DER, LLC
d/b/a THE ZOO
9310 NE 76TH ST
VANCOUVER, WA 98662-3721

DECLARATION OF SERVICE BY MAIL

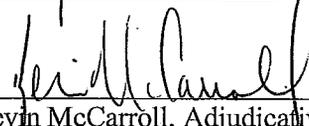
LICENSEE/APPLICANT

LICENSE NO. 364096-1J
UBI NO. 603 091 657 001 0001

I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING STIPULATED SETTLEMENT AGREEMENT 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:

LARRY E. HAZEN ATTORNEY FOR LICENSEE PO BOX 208 VANCOUVER, WA 98666-0208	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION STEPHANIE U. HAPPOLD, ASSISTANT ATTORNEY GENERAL
DAVID ROSS DER LLC, LICENSEE/APPLICANT d/b/a THE ZOO 9310 NE 76 TH ST VANCOUVER, WA 98662-3721	

DATED this 12th day of April, 2012, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator