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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,871

ROGUE HOLDINGS INC., d/b/a
MADRONA BAR AND GRILL
310 MAIN ST. STE 105
EASTSOUND, WA 98245-9115

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

LICENSEE

~~[PROPOSED]~~

LICENSE NO. 404631
AVN NO. 3D1207A

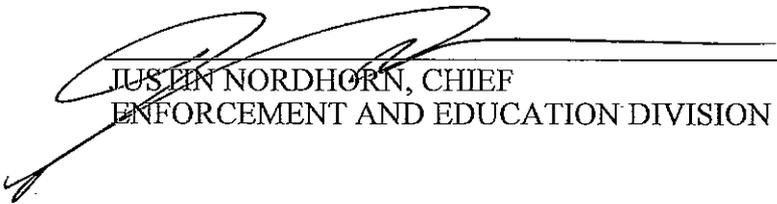
THIS MATTER having come before the Washington State Liquor Control Board (Board) and The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys ROBERT M. MCKENNA, Attorney General, and GORDON KARG, Assistant Attorney General, and the Licensee, ROGUE HOLDINGS INC. d/b/a MADRONA BAR AND GRILL (Licensee), by and through its attorney THOMAS H. FRYER 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:

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1 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case No.
2 23,871 is approved and adopted in its entirety by this order; that the violation charged in the
3 Complaint dated March 8, 2012, is sustained, and the Licensee shall pay a total monetary
4 penalty of three hundred dollars (\$300.00) for the above-referenced Complaint. The monetary
5 penalty shall be paid within thirty (30) days of the date of the Final Order of the Washington
6 State Liquor Control Board. In the event that the Licensee fails to timely pay the monetary
7 penalty the Licensee shall be subject to a five (5) day suspension of its liquor license, the dates
8 of suspension to be determined by the Washington State Liquor Control Board.

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10 DATED this 16 day of APRIL, 2012.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

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15 JUSTIN NORDHORN, CHIEF
16 ENFORCEMENT AND EDUCATION DIVISION
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RECEIVED

APR 11 2012

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ROGUE HOLDINGS INC., d/b/a
MADRONA BAR AND GRILL
310 MAIN ST. STE 105
EASTSOUND, WA 98245-9115

LICENSEE

LICENSE NO. 404631
AVN NO. 3D1207A

LCB NO. 23,871

STIPULATED SETTLEMENT
AGREEMENT

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, ROGUE HOLDINGS INC. d/b/a MADRONA BAR AND GRILL (Licensee), through its counsel, THOMAS H. FRYER, attorney at law, hereby enter into this Stipulated Settlement Agreement for LCB Case No. 23,871.

I. INTRODUCTION

On July 27, 2011, the Washington State Liquor Control Board issued a Complaint dated March 8, 2012 alleging that on or about April 23, 2011, the above-named Licensee, or an employee(s) thereof, was apparently intoxicated on the licensed premise in violation of WAC 314-11-015(3)(a). Prior to formal hearing proceedings on the matter, Enforcement and the Licensee have reached a settlement agreement.

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II. AGREEMENT OF THE PARTIES

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

1. Enforcement and the Licensee 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 case. Furthermore, the Licensee hereby voluntarily withdraws its request for a hearing on this matter.

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

4. The Licensee disputes the truth of the allegations contained in the above-referenced Complaint. However, in order to take advantage of Enforcement’s offer of settlement, to avoid legal expenses attendant with further proceedings, and in recognition of the fact that if this matter were to proceed to a hearing there is a risk to the Licensee that an administrative proceeding would result in the conclusion that: on or about April 23, 2011, the above-named Licensee, or an employee(s) thereof, was apparently intoxicated on the licensed premise in violation of WAC 314-11-015(3)(a). Therefore, the Licensee agrees to stipulate to the violation set forth in the above-referenced Complaint, solely to take advantage of Enforcement’s offer of settlement.

5. The parties agree that the Washington State Liquor Control Board will consider that the violations set forth in the above referenced Complaint, 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 (5) day suspension of the liquor license or a five hundred dollar (\$500) monetary penalty.

1 7. The Licensee agrees to pay a total monetary penalty of three hundred dollars
2 (\$300.00) for the above-referenced Complaint. This amount shall be paid within thirty (30)
3 days of the date of the Final Order of the Washington State Liquor Control Board. Payment
4 shall be made to the Washington State Liquor Control Board no later than 4:00 p.m. on the
5 applicable date. Payments shall be sent to:

6 Washington State Liquor Control Board
7 3000 Pacific Avenue SE
8 P.O. Box 43085
9 Olympia, WA 98504-3095

10 8. In the event that the Licensee fails to timely pay the monetary penalty, as set out
11 in Part II, ¶7, the Licensee shall be subject to a five (5) day suspension of its liquor license, the
12 dates of suspension to be determined by the Washington State Liquor Control Board.

13 9. The undersigned parties declare that the terms of this Settlement Agreement are
14 completely read, wholly understood, and voluntarily accepted for the purpose of making a full
15 and final compromise and settlement of any and all claims arising from the above-referenced
16 Complaint.

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1 10. The parties recognize that this Settlement Agreement is subject to approval by
2 the WASHINGTON STATE LIQUOR CONTROL BOARD.

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4 DATED this 27th day of March, 2012.

5
6 ROBERT M. MCKENNA
7 Attorney General

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10 GORDON KARG, WSBA #37178
11 Assistant Attorney General
12 Attorneys for Washington State
13 Liquor Control Board Education and
14 Enforcement Division

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16 
17 STEVE DUTHIE
18 Manager/Controlling Shareholder
19 Rogue Holdings Inc. d/b/a
20 Madrona Bar & Grill
21 Licensee

22
23 
24 THOMAS H. FRYER, WSBA #22955
25 Attorney at Law
26 Counsel for the Licensee



Washington State
Liquor Control Board

April 20, 2012

Thomas Fryer, Attorney for Licensee
Resick, Hansen & Fryer
412 N Commercial St
Bellingham, WA 98225-4003

Steve Duthie
Rogue Holdings Inc, Licensee
d/b/a The Madrona Bar and Grill
PO Box 127
Eastsound, WA 98245-0127

Gordon Karg, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

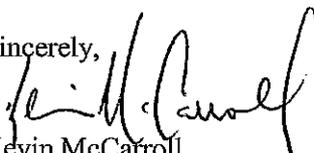
RE: FINAL ORDER OF THE BOARD
LICENSEE: Rogue Holdings, Inc.
TRADE NAME: The Madrona Bar and Grill
LOCATION: 310 Main St, Ste 105, Eastsound, WA 98245
LICENSE NO. 404631-3D
ADMINISTRATIVE VIOLATION NOTICE NO. 3D1207A
LCB HEARING NO. 23,871
UBI: 6023674360010002

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. **The applicable monetary penalty is due by May 21, 2012. If payment is not received timely then suspension will take place from 12:00 p.m. on June 7, 2012 until 12:00 p.m. on June 12, 2012.**

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

cc: Mount Vernon Enforcement and Education Division, WSLCB
Teresa Young, 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. 23,871

ROGUE HOLDINGS, INC. d/b/a
THE MADRONA BAR AND GRILL
310 MAIN ST, STE 105
EASTSOUND, WA 98245

DECLARATION OF SERVICE BY MAIL

LICENSEE

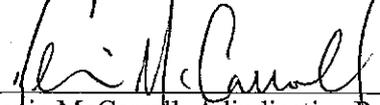
LICENSE NO. 404631-3D
AVN NO. 3D1207A

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:

THOMAS FRYER, ATTORNEY FOR LICENSEE RESICK, HANSEN & FRYER 412 N COMMERCIAL ST BELLINGHAM, WA 98225-4003	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION GORDON KARG, ASSISTANT ATTORNEY GENERAL
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ROGUE HOLDINGS, INC. d/b/a THE MADRONA BAR AND GRILL PO BOX 127 EASTSOUND, WA 98245-0127	
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DATED this 20th day of April, 2012, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator