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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,934

DWO, LLC d/b/a
DENNY'S

FINAL ORDER OF THE BOARD
[PROPOSED]

2903 PACIFIC AVE
EVERETT, WA 98201

LICENSEE

LICENSE NO. 363106-3E
AVN NO. 3H1352A

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 MARISA E. BROGGEL, Assistant Attorney General, and DWO, LLC d/b/a DENNY'S (Licensee), represented by and through LINDA HOFFERT, Manager of Licensee, and the parties having voluntarily entered into a stipulated settlement agreement for Administrative Violation Notice (AVN) No. 3H1352A, Case No. 23,934, and the Board having considered the stipulated settlement agreement and Enforcement's memorandum recommending acceptance of the stipulated settlement agreement, and the Board having had the opportunity to review the file materials maintained in this case, now, therefore:

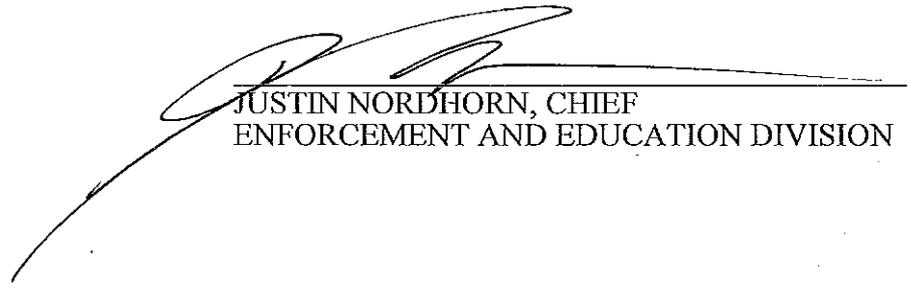
1 IT IS HEREBY ORDERED that the allegation set forth in AVN No. 3H1352A, to wit:
2 Licensee or employee(s) thereof allowed liquor to be sold, served, delivered to the premises,
3 removed from the premises, consumed on the premises, or possessed on the premises, between
4 2:00 a.m. and 6:00 a.m., in violation of WAC 314-11-070, is sustained. IT IS FURTHER
5 ORDERED that, within thirty (30) days of the date of this order, Licensee shall pay a monetary
6 penalty of five hundred dollars (\$500) to:

7 **Washington State Liquor Control Board**
8 **Finance Division**
9 **PO Box 43085**
Olympia WA, 98504-3085

10 In the event the Licensee fails to make full and timely payment of the monetary
11 penalty, the Licensee shall serve a five (5) day suspension of its liquor license, the dates and
12 time of which shall be set by the Washington State Liquor Control Board.

13 DATED this 28 day of FEBRUARY, 2012.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 
16 JUSTIN NORDHORN, CHIEF
17 ENFORCEMENT AND EDUCATION DIVISION
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RECEIVED

FEB 22 2012

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,934

DWO, LLC d/b/a
DENNY'S

STIPULATED SETTLEMENT
AGREEMENT

2903 PACIFIC AVE
EVERETT, WA 98201

LICENSEE

LICENSE NO. 363106-3E
AVN NO. 3H1352A

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and DWO, LLC d/b/a DENNY'S (Licensee), represented by and through LINDA HOFFERT, Manager of Licensee, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case No. 23,934, arising from Administrative Violation Notice (AVN) No. 3H1352A.

I. INTRODUCTION

1. The Washington State Liquor Control Board Enforcement and Education Division issued AVN No. 3H1352A to the Licensee, alleging that on or around December 18, 2011, the Licensee or employee(s) thereof, allowed liquor to be sold, served, delivered to the premises, removed from the premises, consumed on the premises, or possessed on the premises, between 2:00 a.m. and 6:00 a.m., in violation of WAC 314-11-070.

ORIGINAL

1 **II. AGREEMENT OF THE PARTIES**

2 Prior to scheduling an administrative hearing in this matter, Enforcement and the
3 Licensee have agreed to enter into the following Stipulated Settlement Agreement (Agreement)
4 concerning the above-referenced AVN. Enforcement and the Licensee agree to the following:

5 1. Enforcement and the Licensee enter into this Agreement to avoid the time and
6 expense of litigation.

7 2. The Licensee hereby voluntarily withdraws its request for a hearing in this
8 matter.

9 3. The Licensee explicitly waives the right to further administrative review of all
10 matters related to the above-referenced AVN No. 3H1352A.

11 4. This Agreement constitutes the final written expression of all the terms of this
12 Agreement and is a complete and exclusive statement of these terms.

13 5. The Licensee admits to the violation set forth in the above-referenced AVN
14 No. 3H1352A. Specifically, Licensee admits that on or around December 18, 2011, the above-
15 named Licensee or employee(s) thereof, allowed liquor to be sold, served, delivered to the
16 premises, removed from the premises, consumed on the premises, or possessed on the
17 premises, between 2:00 a.m. and 6:00 a.m., in violation of WAC 314-11-070

18 6. The parties acknowledge that the above-referenced violation is the Licensee's
19 first violation of this type within a twenty-four (24) month period, for which the penalty is
20 suspension of the Licensee's liquor license for five (5) days or a monetary penalty of five
21 hundred dollars (\$500).

22 7. The Licensee agrees to pay a monetary penalty of five hundred dollars (\$500)
23 for the above-referenced violation. The Licensee agrees to pay this penalty in full within thirty
24 (30) days of the date of the Final Order of the Board, no later than 4:00 p.m. on the applicable
25 date. Payment shall be sent to:
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**Washington State Liquor Control Board
Finance Division
PO Box 43085
Olympia WA, 98504-3085**

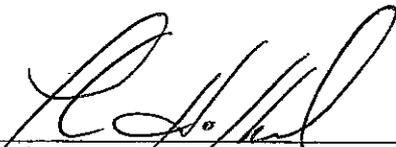
8. In the event that the Licensee fails to make a full or timely payment of the monetary penalty, as set out and required by Section II, Paragraph 7, the Licensee shall be subject to a five (5) day suspension of its liquor license, the dates of suspension to be determined by the Board.

9. The parties recognize that this Agreement is subject to approval by the Board.

ROBERT M. MCKENNA
Attorney General


MARISA E. BROGGEL, WSBA #41767
Assistant Attorney General
Attorneys for Washington State
Liquor Control Board Education and
Enforcement Division

2/14/2012
DATE


LINDA HOFFERT
for DWO, LLC d/b/a Denny's, Licensee

2/10/2012
DATE



**Washington State
Liquor Control Board**

March 1, 2012

DWO, LLC
d/b/a Denny's
2903 Pacific Ave
Everett, WA 98201-4529

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: DWO, LLC
TRADE NAME: Denny's
LOCATION: 2903 Pacific Ave, Everett, WA 98201-4529
LICENSE NO. 363106-3E
ADMINISTRATIVE VIOLATION NOTICE NO: 3H1352A
LCB HEARING NO. 23,934
UBI: 602 720 837 001 0010**

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 March 30, 2012. If not received timely, then suspension will take place from 10:00 a.m. on April 26, 2012 until 10:00 a.m. on May 1, 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,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Mt. Vernon Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,934

DWO, LLC
d/b/a DENNY'S
2903 PACIFIC AVE
EVERETT, WA 98201-4529

DECLARATION OF SERVICE BY MAIL

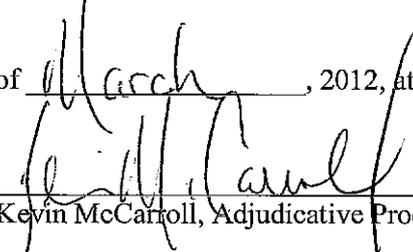
LICENSEE

LICENSE NO. 363106-3E
AVN NO. 3H1352A

I certify that I caused a copy of the FINAL ORDER OF THE BOARD 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:

DWO, LLC d/b/a DENNY'S 2903 PACIFIC AVE EVERETT, WA 98201-4529	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION MARISA E. BROGGEL, ASSISTANT ATTORNEY GENERAL
DWO, LLC d/b/a DENNY'S 1 CENTERPOINTE DR STE LA PALMA, CA 90623-2530	

DATED this 1st day of March, 2012, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator