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6 **STATE OF WASHINGTON**
7 **OFFICE OF ADMINISTRATIVE HEARINGS**
8 **FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD**

9 IN THE MATTER OF:

OAH No. 2012-LCB-0026

10 RENTON PUBS, INC. d/b/a
11 BENDERS SPORTS & MUSIC

LCB No. 23,947

12 10706 SE CARR RD.
13 RENTON, WA 98055

FINAL ORDER OF THE BOARD
[PROPOSED]

LICENSEE

14 LICENSE NO. 077092
15 AVN NO. 2M1343A

16 THIS MATTER having come before the Washington State Liquor Control Board
17 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
18 (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and
19 MARISA E. BROGGEL, Assistant Attorney General, and RENTON PUBS, INC. d/b/a
20 BENDERS SPORTS AND MUSIC (Licensee) by and through its representative, SHANE
21 YELISH, and the parties having voluntarily entered into a stipulated settlement agreement for
22 Administrative Violation Notice (AVN) No. 2M1343A, Case No. 23,947, and the Board
23 having considered the stipulated settlement agreement and Enforcement's memorandum
24 recommending acceptance of the stipulated settlement agreement, and the Board having had
25 the opportunity to review the file materials maintained in this case, now, therefore:
26

FINAL ORDER OF THE BOARD
RENTON PUB'S, INC., d/b/a BENDER'S
SPORTS BAR, LCB NO. 23,947 [Proposed]

1 IT IS HEREBY ORDERED that the allegations set forth in AVN No. 2M1343A and
2 Enforcement's Complaint dated April 24, 2012, to wit: that on or about December 9, 2011, the
3 above-named Licensee, or employee(s) thereof permitted an apparently intoxicated person to
4 possess and/or consume liquor, contrary to WAC 314-16-150, is sustained.

5 IT IS FURTHER ORDERED that the Licensee shall serve a thirty (30) day suspension
6 of its liquor license, beginning on or after January 1, 2013 at 4:00 p.m., and ending on or
7 before February 15, 2013 at 4:00 p.m.

8 ~~IT IS FURTHER ORDERED in the event that the Licensee does not fully and timely~~
9 ~~satisfy the penalty(s) and condition(s) set forth in this order, then the Licensee shall serve a six~~
10 ~~(6) month suspension of its liquor license, the dates and times of suspension to be determined~~
11 ~~by the Board; and shall pay a monetary penalty of one thousand dollars (\$1,000).~~ *N*
12 *12/9*

13 DATED this 11th day of DECEMBER, 2012.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

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17 *Ruthann Kurose*
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19 *[Signature]*
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7 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

8 IN THE MATTER OF:

9 RENTON PUBS, INC. d/b/a
10 BENDERS SPORTS & MUSIC

11 10706 SE CARR RD.
12 RENTON, WA 98055

13 LICENSEE

14 LICENSE NO. 077092
15 AVN NO. 2M1343A

OAH NO. 2012-LCB-0026
LCB NO. 23,947

STIPULATED SETTLEMENT
AGREEMENT

16 The Washington State Liquor Control Board Education and Enforcement Division
17 (Enforcement), by and through its attorneys, ROBERT M. MCKENNA, Attorney General,
18 and MARISA E. BROGGEL, Assistant Attorney General, and RENTON PUBS, INC. d/b/a
19 BENDERS SPORTS AND MUSIC (Licensee), represented by and through its attorneys,
20 SHANE YELISH, and Reed Longyear Malnati & Ahrens, PLLC, hereby enter into this
21 stipulated settlement agreement for Washington State Liquor Control Board (Board) Case No.
22 23,947, arising from Administrative Violation Notice (AVN) No. 2M1343A.

23 **I. INTRODUCTION**

24 The Washington State Liquor Control Board Enforcement and Education Division
25 (Enforcement) charged Licensee with the following violation of Title 66 RCW and/or Title
26 314 WAC by its complaint dated April 24, 2012 (Complaint):

STIPULATED SETTLEMENT
AGREEMENT
RENTON PUBS, INC. d/b/a BENDERS
SPORTS & MUSIC
LCB NO. 23,947

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

ORIGINAL

1 That on or around December 9, 2011, the above-named Licensee or employee(s)
2 thereof permitted an apparently intoxicated person to possess and/or consume
3 liquor on the licensed premises, contrary to WAC 314-16-150.

4 Enforcement and Licensee wish to enter into a settlement agreement concerning the
5 above-referenced Complaint.

6 **II. AGREEMENT OF THE PARTIES**

7 Enforcement and Licensee (the parties) agree to the following:

8 1. Enforcement and Licensee enter into this Agreement to avoid the time and
9 expense of further litigation.

10 2. Licensee explicitly waives the right to further administrative review of all
11 matters related to the above-referenced violation. Furthermore, Licensee hereby voluntarily
12 withdraws its request for a formal administrative hearing in this matter.

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

15 4. The parties agree that Licensee does not admit liability as to the allegation(s)
16 contained in the AVN or the Complaint. However, in order to take advantage of
17 Enforcement's offer of settlement; to avoid the time, expense, and uncertainties of further
18 litigation; and in recognition of the fact that should this matter proceed to a hearing, there is a
19 risk to Licensee that the administrative proceeding would result in finding(s) against the
20 Licensee that the violation alleged in the Complaint, to wit: That on or around December 9,
21 2011, the Licensee or employee(s) thereof permitted an apparently intoxicated person to
22 possess and/or consume liquor on the licensed premise in violation of WAC 314-16-150; did
23 occur.
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1 5. The parties agree that, pursuant to Section II, Paragraph 4 above, the violation
2 cited in the AVN and charged in the Complaint is the Licensee's third such violation of this
3 type within a twenty-four (24) month period, for which the standard penalty is suspension of
4 Licensee's liquor license for thirty (30) days.

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6 6. The parties agree that, for purposes of this Agreement, the violation set forth in
7 the Complaint shall become a part of Licensee's violation history and licensing record as a
8 third violation, pursuant to Section II, Paragraph 5.

9 7. The parties agree that Licensee's liquor license shall be suspended for a period
10 of thirty (30) consecutive days. The parties further agree that the thirty (30)-day suspension
11 should take place within the following time period: Beginning on or after January 1, 2013 at
12 4:00 p.m., and ending on or before February 15, 2013 at 4:00 p.m.

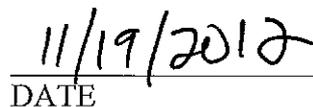
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14 8. The parties recognize that this Agreement is subject to approval by the Board.

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

19
20 ROBERT M. MCKENNA
Attorney General

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22 

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

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DATE

1 RENTON PUBS, INC.

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Michael Sever - Secretary
MICHAEL SEVER, Secretary
Licensee

10-26-2012
DATE



Washington State
Liquor Control Board

December 12, 2012

Michael Server
Renton Pubs, Inc.
d/b/a Benders Sports & Music
10706 SE Carr Rd
Renton, WA 98055-5826

Marisa E. Broggel, 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: Renton Pubs, Inc.

TRADE NAME: Benders Sports & Music

LOCATION: 10706 SE Carr Rd, Renton, WA 98055

LICENSE NO. 077092-2M

ADMINISTRATIVE VIOLATION NOTICE NO. 2M1343A

LCB HEARING NO. 23,947

OAH NO. 2012-LCB-0026

UBI: 6027602160010001

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 30-day suspension will not be scheduled since Renton Pubs, Inc. has formally discontinued their business operations and no longer holds a liquor license. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Tukwila Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,947
OAH NO. 2012-LCB-0026

RENTON PUBS, INC. d/b/a
BENDERS SPORTS & MUSIC
10706 SE CARR RD
RENTON, WA 98055-5826

DECLARATION OF SERVICE BY
MAIL

LICENSEE

LICENSE NO. 077092-2M
AVN NO. 2M1343A

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 applicants and licensees, by campus mail for state offices, on the date below to:

RENTON PUBS, INC. d/b/a BENDERS SPORTS & MUSIC 10706 SE CARR RD RENTON, WA 98055-5826	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION MARISA E. BROGGER, ASSISTANT ATTORNEY GENERAL
MICHAEL SERVER RENTON PUBS, INC. d/b/a BENDERS SPORTS & MUSIC 6318 5 TH AVE NE APT E SEATTLE, WA 98115-6572	

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


Kevin McCarroll, Adjudicative Proceedings Coordinator