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7 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

8 IN THE MATTER OF:

9 MANUEL JUAN PRECIADO d/b/a
10 LA TROPICANA

11 101 W. COLUMBIA ST.
12 PASCO, WA 99301

13 LICENSEE

14 LICENSE NO. 083766

LCB NO. 23,950

LCB NO. 23,951

LCB NO. 24,104

LCB NO. 24,151

LCB NO. 24,501

FINAL ORDER OF THE BOARD
[PROPOSED]

15 THIS MATTER having come before the Washington State Liquor Control Board
16 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
17 (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and
18 MARISA E. BROGGEL, Assistant Attorney General, and MANUEL JUAN PRECIADO d/b/a
19 LA TROPICANA (Licensee), and the parties having voluntarily entered into a stipulated
20 settlement agreement for Administrative Violation Notice (AVN) Nos. 4F1363A; 4F2026A;
21 4A2170A; 4A2176A; and 4A2292B, for LCB Nos. 23,950; 23,951; 24,104; 24,151; and
22 24,501, respectively; and the Board having considered the stipulated settlement agreement and
23 Enforcement's memorandum recommending acceptance of the stipulated settlement
24 agreement, and the Board having had the opportunity to review the file materials maintained in
25 this case, now, therefore:
26

FINAL ORDER OF THE BOARD
MANUEL JUAN PRECIADO D/B/A
LA TROPICANA
NO. 23,950; 23,951; 24,104; 24,151; 24,501
[PROPOSED]

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2 ¶ IT IS HEREBY ORDERED that the allegations set forth in AVN Nos. 4F1363A;
3 4F2026A; 4A2170A; 4A2176A; and 4A2292B, and the allegations set forth in any and all of
4 Enforcement's complaints related to these AVNs, are sustained.

5 IT IS FURTHER ORDERED that the Final Orders of the Board entered for LCB No.
6 23,950 and LCB No. 23,951, are hereby vacated.

7 IT IS FURTHER ORDERED that the Licensee shall voluntarily surrender his liquor
8 license and cease business operations with no further interest remaining in the license, within
9 thirty (30) days of the date of the Final Order of the Board.

10 In the event the Licensee fails to voluntarily surrender his liquor license within thirty
11 (30) days of the date of this Final Order, the Licensee's liquor license shall be revoked by the
12 Board and the Licensee shall be subject to the following penalties within thirty days of the
13 revocation:
14

- 15 1. LCB No. 23,950: Licensee shall pay a monetary penalty of one thousand six hundred
16 dollars (\$1,600) for AVN No. 4F1363A.
- 17 2. LCB No. 23,951: Licensee shall pay a monetary penalty of three thousand six hundred
18 dollars (\$3,600) for AVN No. 4F2026A.
- 19 3. LCB No. 24,104: Licensee shall pay a monetary penalty of three thousand (\$3,000)
20 dollars for AVN No. 4A2170A.
- 21 4. LCB No. 24,151: Licensee shall pay a monetary penalty of one thousand five hundred
22 dollars (\$1,500) for AVN No. 4A2169A.
- 23 5. LCB No. 24,501: Licensee shall pay a monetary penalty of one thousand five hundred
24 dollars (\$1,500) for AVN No. 4A2169A.
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DATED this 15th day of January, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

MANUEL JUAN PRECIADO d/b/a
LA TROPICANA

101 W. COLUMBIA ST.
PASCO, WA 99301

LICENSEE

LICENSE NO. 083766

LCB NO. 23,950
LCB NO. 23,951
LCB NO. 24,104
LCB NO. 24,151
LCB NO. 24,501

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 MARISA E. BROGGEL, Assistant Attorney General, and MANUEL JUAN PRECIADO d/b/a LA TROPICANA (Licensee), hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case Nos. 23,950; 23,951; 24,104; 24,151; and 24,501, arising from Administrative Violation Notice (AVN) Nos., respectively: 4F1363A; 4F2026A; 4A2170A; 4A2176A; and 4A2292B. Parties wish to enter into a

I. INTRODUCTION

A. LCB No. 23,950

On June 26, 2012, the Board issued a complaint charging the Licensee with the following violation(s), arising from AVN No. 4F1363A dated December 29, 2011:

(1) That on or around December 29, 2011, the above-named Licensee failed to submit plans to the Board, and/or failed to obtain approval of the Board, prior to

STIPULATED SETTLEMENT
AGREEMENT
MANUEL JUAN PRECIADO D/B/A
LA TROPICANA
LCB NOs. 23,950; 23,951; 24,104; 24,151;
and 24,501

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

1 making alterations of its premise affecting the size of its customer service area, in
 2 violation of WAC 314-02-130(2); and
 3 (2) That on or around December 29, 2011, the above-named Licensee failed to
 4 meet food-service requirements by failing to have adequate and/or edible food
 5 items on its premise to maintain its menu, in violation of WAC 314-02-035(6).

6 **B. LCB No. 23,951**

7 On June 26, 2012, the Board issued a complaint charging the Licensee with the following
 8 violation(s), arising from AVN No. 4F2026A dated January 26, 2012:

- 9 (1) That on or around January 26, 2012, the above-named Licensee failed to
 10 maintain required records on its premise and/or failed to provide required records
 11 for inspection by an employee of the Board, in violation of WAC 314-11-095(1);
 12 (2) That on or around December 29, 2011, the above-named Licensee failed to
 13 meet food-service requirements by failing to have adequate and/or edible food
 14 items on its premise to maintain its menu, in violation of WAC 314-02-035(6);
 15 and .
 16 (3) That on or around January 26, 2012, the above-named Licensee failed to
 17 submit plans to the Board and/or failed to obtain approval of the Board prior to
 18 making alterations of its premise affecting the size of its customer service area, in
 19 violation of WAC 314-02-130(2).

20 **C. LCB No. 24,104**

21 On October 8, 2012, the Board issued a complaint charging the Licensee with the
 22 following violation(s), arising from AVN No. 4A2170A:

23 That on or around June 15, 2012, the Licensee and/or an employee thereof failed
 24 to maintain complete meal service for a minimum of five hours between the hours
 25 of 8:00 a.m. and 11:00 p.m., five days per week, when the licensed premise was
 26 open for business, in violation of WAC 314-02-035(8).

D. LCB No. 24,151

On or around July 7, 2012, Enforcement served the Licensee with Administrative
 Violation Notice (AVN) No. 4A2169A, alleging:

(1) That on or around June 24, 2012, the Licensee to maintain complete meal
 service for a minimum of five hours between the hours of 8:00 a.m. and 11:00
 p.m., in violation of WAC 314-02-035(8), when the Licensee failed to open the
 premises for business; and

1 (2) That on or around June 24, 2012, when the Licensee failed to open for
2 business, the Licensee failed to maintain its minimum hours of operation¹ and
3 failed to post, on its premises and/or on its menu, its complete and accurate hours
of complete meal service, in violation of WAC 314-02-035(9).

4 **E. LCB No. 24,501**

5 On or around November 15, 2012, Enforcement served the Licensee with Administrative
6 Violation Notice (AVN) No. 4A2169A, alleging:

7 (1) That on or around October 18, 2012, the Licensee: to maintain complete meal
8 service for a minimum of five hours between the hours of 8:00 a.m. and 11:00
9 p.m.; failed to maintain complete meal service when liquor was available for sale,
10 service or consumption; failed to have food items on the premises that are
required to maintain its menu; and failed to have a chef or cook on duty when
complete meal services are offered, in violation of WAC 314-02-035; and

11 (2) That on or around October 18, 2012, by failing to meet food service requirements, the
12 Licensee failed to maintain its minimum hours of operation² and failed to post, on its
13 premises and/or on its menu, its complete and accurate hours of complete meal service, in
violation of WAC 314-02-035(9).

14 **II. AGREEMENT OF THE PARTIES**

15 Enforcement and the Licensee wish to enter into a settlement agreement concerning
16 the above-referenced matters. Enforcement and the Licensee hereby agree to the following:

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

19 2. The Licensee explicitly waives the right to further administrative review of all
20 matters related to the above-referenced violations, complaints, and related administrative
21 and/or agency actions and orders, including LCB Nos. 23,950 and 23,951, for which the
22 Board has already entered its Final Orders.³

23
24 ¹ Pursuant to WAC 314-02-035(8), "Restaurants with less than one hundred percent dedicated dining area must
complete meal service...five days a week." Enforcement notes that the Licensee was not open for business on one
25 of its required five days, on June 24, 2012 (a Sunday), which is addressed in Violation (1) in AVN No. 4A2016A.

26 ² While Licensee was open for business on October 18, Licensee did not have its menu items available, nor was a
cook on duty to prepare and serve food. See also *ibid*.

³ Licensee submitted a Petition for Reconsideration of the Board's Final Orders in re: LCB No. 23,950 and LCB No.
23,951; on January 9, 2013, the Board entered its Orders Denying Request(s) for Reconsideration in these matters.

STIPULATED SETTLEMENT

AGREEMENT
MANUEL JUAN PRECIADO D/B/A
LA TROPICANA

LCB Nos. 23,950; 23,951; 24,104; 24,151;
and 24,501

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

1 3. The Licensee hereby voluntarily withdraws his requests for formal
 2 administrative hearings in each of the matters listed in Section I, Parts A-E, including but not
 3 limited to LCB No. 24,104 (currently pending an administrative hearing scheduled on
 4 February 6, 2013); LCB No. 24,151; and LCB No. 24,501.

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

7 4. The Licensee stipulates to each of the violations set forth in Section I, Parts A-
 8 E, and the associated complaints, AVNs and/or orders of the Board.

9 5. The parties agree that the violations set forth in Section I, Parts 1-5, carry a
 10 standard penalty of cancellation of the Licensee's liquor license, pursuant to WAC 314-29-
 11 025 and WAC 314-12-030.

12 6. The Licensee stipulates that he will voluntarily relinquish his liquor license and
 13 cease business operations, with no further interest remaining in the license, within thirty (30)
 14 days of the date of the Final Order of the Board.

15 7. The parties agree that the Licensee's imminent cessation of business
 16 operations and voluntary relinquishment of his liquor license has effectively mooted
 17 enforcement actions in LCB Nos. 23,950; 23,951; 24,104; 24,151; and 24,501. In lieu of
 18 stipulating to the alleged violations and for voluntarily relinquishing the liquor license there
 19 shall be no monetary penalty imposed or due.

20 8. The parties agree that the Final Orders entered in LCB Nos. 23,950 and LCB
 21 No. 23,951 should be vacated upon entry of this Settlement Agreement, subject to approval by
 22 the Board.

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

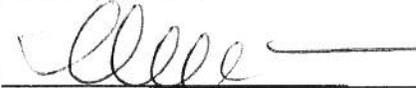
24 10. The undersigned parties declare that the terms of this Agreement are
 25 completely read, wholly understood, and voluntarily accepted for the purpose of making a full
 26

STIPULATED SETTLEMENT
 AGREEMENT
 MANUEL JUAN PRECIADO D/B/A
 LA TROPICANA
 LCB NOS. 23,950; 23,951; 24,104; 24,151;
 and 24,501

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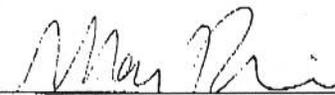
1 and final compromise and settlement of any and all violations arising from the above-
2 referenced Complaint.

3
4 ROBERT M. MCKENNA
Attorney General

5 

1/10/13
DATE

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

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01-10-13
DATE

11 MANUEL JUAN PRECIADO
12 d/b/a La Tropicana
Licensee

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STIPULATED SETTLEMENT
AGREEMENT
MANUEL JUAN PRECIADO D/B/A
LA TROPICANA
LCB NOs. 23,950; 23,951; 24,104; 24,151;
and 24,501

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Washington State
Liquor Control Board

January 16, 2013

Manuel Juan Preciado
d/b/a La Tropicana
222105 E Bowles Rd
Kennewick, WA 99337-8604

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: Manuel Juan Preciado
TRADE NAME: La Tropicana
LOCATION: 101 W Columbia St, Pasco, WA 99301-5630
LICENSE NO. 083766-4C
ADMINISTRATIVE VIOLATION NOTICE NOS: 4F1363A, 4F2026A, 4A2170A, 4A2176A,
and 4A2292B.
LCB HEARING NOS. 23950, 23951, 24104, 24151, 24501
UBI: 602 140 986 001 0001

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order the above-referenced matter.

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

Sincerely,

Samantha Trotter
Confidential Secretary

Enclosures (2)

cc: Spokane and Pasco Enforcement and Education Divisions, WSLCB
Teresa Young, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NOS. 23950, 23951, 24104, 24151,
24501

MANUEL JUAN PRECIADO
d/b/a LA TROPICANA
101 W COLUMBIA ST
PASCO, WA 99301-5630

DECLARATION OF SERVICE BY
MAIL

LICENSEE

LICENSE NO. 083766-4C
AVN NOS. 4F1363A, 4F2026A,
4A2170A, 4A2176A, and 4A2292B

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:

MANUEL JUAN PRECIADO d/b/a LA TROPICANA 101 W COLUMBIA ST PASCO, WA 99301-5630	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION MARISA E. BROGGEL, ASSISTANT ATTORNEY GENERAL
MANUEL JUAN PRECIADO d/b/a LA TROPICANA 222105 E BOWLES RD KENNEWICK, WA 99337-8604	

DATED this 16th day of January, 2013, at Olympia, Washington.

Samantha Trotter
Samantha Trotter, Confidential Secretary