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

7 IN THE MATTER OF:

8 WINGERZ, INC. d/b/a
9 LEGENDS

10 7005 NE HWY 99
VANCOUVER, WA 98665

11 LICENSEE

12 LICENSE NO. 356709-1L
13 AVN NO. 1L2021A

LCB NO. 24,061

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

[PROPOSED]

14 THIS MATTER having come before the Washington State Liquor Control Board
15 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
16 (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and
17 MARISA E. BROGGEL, Assistant Attorney General, and Licensee WINGERZ, INC. d/b/a
18 LEGENDS (Licensee), represented by and through JAMES VAN GEYTEN, President, and the
19 parties having voluntarily entered into a stipulated settlement agreement for Administrative
20 Violation Notice (AVN) No. 1L2021A, Case No. 24,061, and the Board having considered the
21 stipulated settlement agreement and Enforcement's memorandum recommending acceptance
22 of the stipulated settlement agreement, and the Board having had the opportunity to review the
23 file materials maintained in this case, now, therefore:

24 IT IS HEREBY ORDERED that the allegation set forth in AVN No. 1L2021A, to wit:
25 that on or about January 21, 2012, the Licensee or employee(s) thereof gave, sold, and/or
26

1 supplied liquor to an apparently intoxicated person liquor contrary to RCW 66.44.200(1)
2 and/or WAC 314-16-150, is sustained.

3 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of three
4 hundred twenty-five dollars (\$325) within thirty (30) days of the date of this order, no later
5 than 4:00 p.m. on the applicable date. Payment shall be sent to:

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

9 IT IS FURTHER ORDERED that within sixty (60) days of the date of this order, the
10 Licensee and each of its employees, owners/operators and managers will participate in
11 Responsible Liquor Sales Training (RLST) in coordination with the Licensee's assigned
12 Liquor Enforcement Officer.

13 In the event the Licensee fails to make full and timely payment of the monetary
14 penalty, the Licensee shall serve a five-day suspension of its liquor license, the dates and time
15 of which shall be set by the Board.

16 DATED this 23 day of JANUARY, 2012.

17 WASHINGTON STATE LIQUOR CONTROL BOARD

18
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20 JUSTIN NORDHORN, CHIEF
21 ENFORCEMENT & EDUCATION DIVISION
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Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,061

WINGERZ, INC. d/b/a
LEGENDS

STIPULATED SETTLEMENT
AGREEMENT

7005 NE HWY 99
VANCOUVER, WA 98665

LICENSEE

LICENSE NO. 356709-1L
AVN NO.1L2021A

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and Licensee WINGERZ, INC. d/b/a LEGENDS (Licensee), represented by and through JAMES VAN GEYTEN, President, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case Number 24,061.

I. INTRODUCTION

The Washington State Liquor Control Board charged the Licensee with the following alleged violation of Title 66 RCW and/or Title 314 WAC by its complaint dated October 29, 2012:

That on or around January 21, 2012, the Licensee or employee(s) thereof gave, sold and/or supplied liquor to an apparently intoxicated person, contrary to RCW 66.44.200(1) and/or WAC 314-16-150.

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

ORIGINAL

1 **II. AGREEMENT OF THE PARTIES**

2 Enforcement and the Licensee agree to the following:

3 1. Enforcement and the Licensee enter into this agreement to avoid the time and
4 expense of further litigation.

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

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

10 4. The Licensee stipulates to the violation set forth in the complaint: that on or
11 around January 21, 2012, the Licensee or employee(s) thereof gave, sold, and/or supplied
12 liquor to an apparently intoxicated person, contrary to RCW 66.44.200(1) and/or WAC 314-
13 16-150.

14 5. The Licensee agrees that this is the Licensee's first violation of this type within
15 a twenty-four (24) month period, and that the standard penalty for the violation is a suspension
16 of the Licensee's liquor license for five (5) days or a monetary penalty of five hundred dollars
17 (\$500).

18 6. The Licensee agrees to pay monetary penalty of three hundred twenty-five
19 dollars (\$325) for the above-referenced violation. This amount shall be paid within thirty (30)
20 days of the date of the final order of the Liquor Control Board. Payment in full shall be made
21 to the Board no later than 4:00 p.m. on the applicable date. Payment shall be sent to:

22 **Washington State Liquor Control Board**
23 **PO Box 43085**
24 **Olympia, WA 98504-3085**

25 7. The Licensee further agrees that within sixty (60) days of the date of the Final
26 Order of the Board, the Licensee and each of its employees, owners/operators and managers

1 will participate in Responsible Liquor Sales Training (RLST) through Enforcement. The
2 Licensee is responsible for coordinating the date(s), time(s) and location(s) of the training
3 class(es) through its assigned Liquor Enforcement Officer.

4 8. In the event that the Licensee fails to make a full and timely payment of the
5 monetary penalty, as set out and required by Section II, Part 6, and/or in the event that the
6 Licensee and its employees fail to attend a responsible liquor sales class as required in
7 Section II, Part 7, the Licensee shall be subject to a five (5) day suspension of its liquor license,
8 the dates and times of suspension to be determined by the Board.

9 9. The parties recognize that this settlement agreement is subject to approval by
10 the Board.

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

15 STIPULATED AND AGREED TO by:

16
17 ROBERT M. MCKENNA
Attorney General

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

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Washington State
Liquor Control Board

January 24, 2013

James Vangeyten
Wingerz Inc, Licensee
d/b/a Legends
1417 NE 76th St Ste 7
Vancouver, WA 98665-0464

Marisa 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: Wingerz Inc
TRADE NAME: Legends
LOCATION: 7005 NE Hwy 99, Vancouver, WA 98665
LICENSE NO. 356709-1L
ADMINISTRATIVE VIOLATION NOTICE NO. 1L2021A
LCB HEARING NO. 24,061
UBI: 6028022010010001

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 was received by check on 1/18/2013. 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

cc: Tacoma and Vancouver Enforcement and Education Divisions, WSLCB
Teresa Young, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 www.liq.wa.gov

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

LCB NO. 24,061

3 WINGERZ, INC
4 d/b/a LEGENDS

DECLARATION OF SERVICE BY
MAIL

5 7005 NE HWY 99
6 VANCOUVER, WA 98665-0521

7 LICENSEE

8 LICENSE NO. 356709-1L
9 AVN NO. 1L2021A

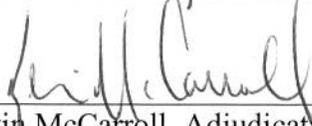
10 I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING
11 STIPULTED SETTLEMENT AGREEMENT in the above-referenced matter to be served on all
12 parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service
13 for applicants and licensees, by campus mail for state offices, on the date below to:
14

15 JAMES VANGEYTEN
16 WINGERZ INC, LICENSEE
17 d/b/a LEGENDS
18 1417 NE 76TH ST STE 7
19 VANCOUVER, WA 98665-0464

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
MARISA E. BROGDEL, ASSISTANT
ATTORNEY GENERAL

18 JAMES VANGEYTEN
19 WINGERZ, INC
20 d/b/a LEGENDS
21 7005 NE HWY 99
22 VANCOUVER, WA 98665-0521

23 DATED this 24th day of January, 2013, at Olympia, Washington.

24 
25 Kevin McCarroll, Adjudicative Proceedings Coordinator
26

DECLARATION OF SERVICE BY
MAIL

1

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602