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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,064

RUDY'S PIZZERIA, INC. d/b/a RUDY'S
PIZZERIA

FINAL ORDER OF THE BOARD
[PROPOSED]

1232 N. STATE ST.
BELLINGHAM, WA 98225

LICENSEE

LICENSE NO. 401910
AVN NO. 3B2013C

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 RUDY'S PIZZERIA, INC. d/b/a RUDY'S PIZZERIA (Licensee), represented by and through its attorney, JEFFREY LUSTICK, and the parties having voluntarily entered into a stipulated settlement agreement for Administrative Violation Notice (AVN) No. 3B2013C, Case No. 24,064, 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:

IT IS HEREBY ORDERED that the allegation set forth in AVN No. 3B2013C, to wit: that on or about January 13, 2012, the above-named Licensee or employee(s) thereof,

1 permitted an apparently intoxicated person to possess and/or consume liquor in violation of
2 WAC 314-16-150, is sustained.

3 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of three
4 hundred dollars (\$300) within thirty (30) days of this order, to:

5 **Washington State Liquor Control Board**
6 **Enforcement and Education Division**
7 **3000 Pacific Ave. SE**
8 **PO Box 43085**
9 **Olympia, WA 98504-3085**

10 IT IS FURTHER ORDERED that the Licensee and each of its employees will
11 participate in a Responsible Liquor Sales training class with its assigned Liquor Enforcement
12 Officer(s) within sixty (60) days of this order.

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

16 DATED this 01 day of MAY, 2012.

17 WASHINGTON STATE LIQUOR CONTROL BOARD

18 
19 JUSTIN NORDHORN, CHIEF
20 ENFORCEMENT AND EDUCATION DIVISION

RECEIVED

APR 30 2012

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,064

RUDY'S PIZZERIA, INC., d/b/a
RUDY'S PIZZERIA

STIPULATED SETTLEMENT
AGREEMENT

1232 N. STATE STREET
BELLINGHAM, WA 98225

LICENSEE

LICENSE NO. 401910
AVN NO. 3B2013C

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 the Licensee, RUDY'S PIZZERIA, INC. d/b/a RUDY'S PIZZERIA (Licensee), represented by and through its attorney, JEFFREY LUSTICK, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case Number 24,064.

I. INTRODUCTION

The Washington State Liquor Control Board Enforcement and Education Division issued AVN No. 3B2013C to the Licensee, alleging that on or around January 13, 2012, the Licensee or employee(s) thereof permitted an apparently intoxicated person to possess and/or consume liquor on the licensed premises, in violation of WAC 314-16-150.

STIPULATION AND SETTLEMENT
AGREEMENT
RUDY'S PIZZERIA, INC. D/B/A RUDY'S
PIZZERIA
LCB 24,064

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

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

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

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

11 3. 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 4. The Licensee stipulates to the violation set forth in the above-referenced AVN.
14 Specifically, the Licensee admits that or around January 13, 2012, the Licensee or employee(s)
15 permitted an apparently intoxicated person to possess and/or consume liquor on the licensed
16 premises, in violation of WAC 314-16-150.
17

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

22 6. The Licensee agrees to pay a three hundred dollar (\$300) monetary penalty for
23 the above-referenced violation. The amount shall be paid within thirty (30) days of the date of
24 the final order of the Washington State Liquor Control Board. Payment shall be made to the
25
26

1 Washington State Liquor Control Board no later than 4:00 p.m. on the applicable date.

2 Payments shall be sent to:

3 **Washington State Liquor Control Board**
4 **Enforcement and Education Division**
5 **3000 Pacific Ave. SE**
6 **PO Box 43085**
7 **Olympia, WA 98504-3085**

8 7. The Licensee further agrees that within sixty (60) days of the date of the Final
9 Order of the Board, the Licensee and each of its employees will participate in a Responsible
10 Liquor Sales training class through Enforcement. The Licensee is responsible for coordinating
11 the date, time and location of the training class through its assigned Liquor Enforcement
12 Officer.

13 8. In the event that the Licensee fails to make a full and timely payment of the
14 monetary penalty, as set out and required by Section II, Paragraph 6, the Licensee shall be
15 subject to a five (5) day suspension of its liquor license, the dates of suspension to be
16 determined by the Board.

17 9. The parties recognize that this settlement agreement is subject to approval by
18 the Washington State Liquor Control Board.

19 10. The undersigned parties declare that the terms of this Settlement Agreement are
20 completely read, wholly understood, and voluntarily accepted for the purpose of making a full
21 and final compromise and settlement of any and all claims arising from the above-referenced
22 violation.

23 ///

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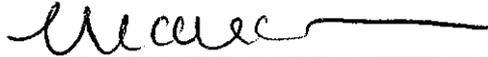
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1 STIPULATED AND AGREED TO by:

2
3 ROBERT M. MCKENNA
4 Attorney General

5 

4/25/2012

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

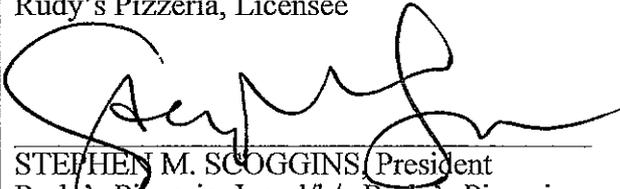
DATE

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4/20/2012

12 JEFFREY LUSTICK, WSBA #27072
13 Attorney for Rudy's Pizzeria, Inc. d/b/a
14 Rudy's Pizzeria, Licensee

DATE

15 

4/20/2012

16 STEPHEN M. SCOGGINS, President
17 Rudy's Pizzeria, Inc. d/b/a Rudy's Pizzeria,
18 Licensee

DATE



**Washington State
Liquor Control Board**

May 2, 2012

Jeffrey Lustick, Attorney for Licensee
222 Grand Ave Ste A
Bellingham, WA 98225-4427

Stephen Scoggins, President
Rudy's Pizzeria Inc, Licensee
d/b/a Rudy's Pizzeria
1232 State Street
Bellingham, WA 98225-5016

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: Rudy's Pizzeria Inc
TRADE NAME: Rudy's Pizzeria
LOCATION: 1234 State Street, Bellingham, WA 98225-5016
LICENSE NO. 401910-3B
ADMINISTRATIVE VIOLATION NOTICE NO. 3B2013C
LCB HEARING NO. 401910-3B
UBI: 602 061 541 001 0002

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 June 1, 2012. If payment is not received timely, then suspension will take place from 10:00 a.m. on June 21, 2012 until 10:00 a.m. on June 26, 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.ljq.wa.gov

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 24,064

5 RUDY'S PIZZERIA INC
6 d/b/a RUDY'S PIZZERIA
7 1234 STATE STREET
8 BELLINGHAM, WA 98225-5016

DECLARATION OF SERVICE BY MAIL

9 LICENSEE

10 LICENSE NO. 401910-3B
11 AVN NO. 3B2013C

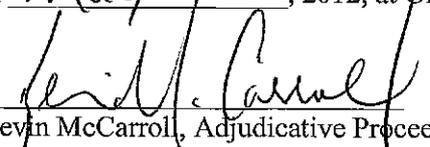
12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-referenced
13 matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via
14 Consolidated Mail Service for Licensees, by Campus Mail for the Office of Attorney General, on the
15 date below to:

16 JEFFREY LUSTICK,
17 ATTORNEY FOR LICENSEE
18 222 GRAND AVE STE A
19 BELLINGHAM, WA 98225-4427

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
MARISA BROGGEL, ASSISTANT ATTORNEY
GENERAL

20 STEPHEN SCOGGINS, PRESIDENT
21 RUDY'S PIZZERIA INC, LICENSEE
22 d/b/a RUDY'S PIZZERIA
23 1232 STATE STREET
24 BELLINGHAM, WA 98225-5016

25 DATED this 2nd day of May, 2012, at Olympia, Washington.

26 
Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL