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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

TUSCAN SANDS LLC D/B/A  
TUSCAN SANDS

1002 VINTAGE VALLEY PKWY  
ZILLAHA, WA 98953-9671

LICENSE NO. 080536-4D  
AVN NO. 4D2174A  
AVN NO. 4D2141A

LCB NO. 24,103; AND ALSO,  
LCB NO. 24,205

FINAL ORDER OF THE BOARD

[PROPOSED]

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT W. FERGUSON, Attorney General, and TIMOTHY D. FORD, Assistant Attorney General, and the Licensee, TUSCAN SANDS LLC d/b/a TUSCAN SANDS represented by the owner JAMIE MUFFETT, and the Board having considered the Stipulated Settlement Agreement and Enforcement's memorandum recommending acceptance of the Settlement Agreement, and the Board having had the opportunity to review the file materials maintained in this case, now therefore:

IT IS HEREBY ORDERED the Board accepts, adopts, and incorporates herein by reference the Stipulated Settlement Agreement between Enforcement and the Licensee in the above-captioned matter and further that the violation set forth in AVN 4D2174A is withdrawn and dismissed with prejudice; and also that the violation set forth in AVN 4D2141A is sustained and the Licensee shall pay a monetary penalty of four thousand (\$4,000) dollars in

1 lieu of suspension for the violation referenced in AVN 4D2141A. The Licensee shall pay the  
2 monetary penalty within thirty (30) days of the date of the Final Order of the Board. All  
3 payments shall be sent to:

4 Washington State Liquor Control Board  
5 PO Box 43085  
6 Olympia, WA 98504-3085

7 In the event the Licensee fails to make a full and timely payment, the Licensee shall serve a  
8 seven (7) day suspension of its liquor license for the violation associated with AVN 4D2141A,  
9 the dates and time of which shall be set by the Washington State Liquor Control Board.

10 DATED this 25 day of June, 2013.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 Sharon Foster

13 Ruthann Kurose

14 Chris

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26 TUSCAN II  
LICENSE 080536  
LCB NOS. 24,103 AND 24,205  
FINAL ORDER OF THE BOARD  
[PROPOSED]

RECEIVED

JUN 21 2013

Liquor Control Board  
Board Administration

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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

TUSCAN SANDS LLC D/B/A  
TUSCAN SANDS

1002 VINTAGE VALLEY PKWY  
ZILLAHA, WA 98953-9671

LICENSE NO. 080536-4D  
AVN NO. 4D2174A  
AVN NO. 4D2141A

LCB NO. 24,103; AND ALSO,  
LCB NO. 24,205

STIPULATED SETTLEMENT  
AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys ROBERT FERGUSON, Attorney General and TIMOTHY D. FORD, Assistant Attorney General and the Licensee TUSCAN SANDS LLC D/B/A TUSCAN SANDS hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 24,103 and also No. 24,205.

**I. INTRODUCTION**

The Washington State Liquor Control Board, Enforcement and Education Division charged the above-named Licensee, in two separate Administrative Violation Notices (AVN) with the following two alleged violations of the Washington State Liquor Control Board rules and regulations:

AVN No. 4D2174A

On or about April 21, 2012, the above-named Licensee or employee(s) thereof allowed a person under the age of twenty-one years (21) to enter and/or remain in the licensed premises

1 classified by the board as off-limits to person(s) under the age of twenty-one years in violation  
2 of RCW 66.44.310(1)(a).

3 AVN No. 4D2141A

4 On or about May 20, 2012, the above-named Licensee or employee(s) thereof allowed  
5 the sale or service of alcohol to person(s) under the age of twenty-one years in violation of  
6 RCW 66.44.270(1) and WAC 314-29-020.

7 Enforcement and the Licensee wish to enter into a settlement agreement concerning  
8 both above-referenced AVNs.

9 **II. AGREEMENT OF THE PARTIES**

10 Enforcement and the Licensee agree to the following:

11 1. Enforcement and the Licensee enter into this agreement to avoid the time and  
12 expense of further litigation. The Licensee explicitly waives the right of further administrative  
13 review of all matters related to the above-referenced violations and AVNs. The Licensee  
14 hereby voluntarily withdraws the request for a hearing in both matters.

15 2. This agreement constitutes the final written expression of all the terms of this  
16 agreement and is a complete and exclusive statement of these terms.

17 3. Enforcement agrees to withdraw and dismiss with prejudice the alleged  
18 violation in AVN 4D2174A.

19 4. The Licensee admits the violation set forth in AVN 4D2141A that on or about  
20 May 20, 2012, the above-named Licensee or employee(s) thereof allowed the sale or service of  
21 alcohol to person(s) under the age of twenty-one years in violation of RCW 66.44.270(1) and  
22 WAC 314-29-020.

23 5. The Licensee acknowledges that allowing the sale or service of alcohol to a  
24 minor is the Licensee's second violation of this type within a twenty-four month period, which  
25 carries a standard penalty of a seven (7) day suspension of the license.  
26

1           6.       The Licensee has agreed to implement procedures to ensure future compliance:  
2 retraining employees annually using the free course offered by the Liquor Control Board;  
3 purchasing an identification card reading system called "ID VISOR V22 COUNTERTOP"  
4 manufactured by Token Works, Inc.; and having at least two employees at the entrance to  
5 check the ID's. In the nearly one year period since the violation on May 20, 2012 the Licensee  
6 has not been charged with the sale or service to person(s) under twenty-one (21) years of age.

7           7.       In return for stipulating to the violation, and for implementing procedures to  
8 ensure future compliance, and for ensuring no sale or service to minors for a period of nearly  
9 one year since the violation on May 20, 2012, Enforcement agrees to allow the Licensee to pay  
10 a reduced monetary penalty of four thousand dollars (\$4,000) in lieu of suspension. The  
11 Licensee agrees to pay a monetary penalty of four thousand dollars (\$4,000) to settle AVN  
12 No. 4D2141A.

13           8.       The Licensee shall pay the monetary penalty of four thousand dollars (\$4,000)  
14 no later than thirty (30) days after the date of the Final Order of the Board. Payment shall be  
15 sent to:

16                   **Washington State Liquor Control Board**  
17                   **P.O. Box 43085**  
18                   **Olympia, WA 98504-3085**

19           9.       In the event that the Licensee fails to make a full and timely payment of the  
20 monetary penalty as required in Section II, Paragraph 8, then the standard penalty in Section II,  
21 Paragraph 5 shall be imposed.

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

26           ///

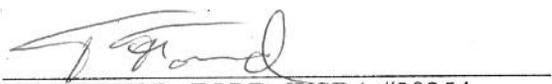
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11. The parties recognize that this settlement agreement is subject to approval by the Washington State Liquor Control Board.

STIPULATED AND AGREED this 11 day of June 2013.

  
\_\_\_\_\_  
JAMIE MUFFETT, OWNER  
TUSCAN SANDS LLC Licensee d/b/a  
TUSCAN SANDS

ROBERT FERGUSON  
Attorney General  
  
\_\_\_\_\_  
TIMOTHY D. FORD, WSBA #29254  
Assistant Attorney General  
Attorneys for Washington State  
Liquor Control Board Education and  
Enforcement Division



Washington State  
Liquor Control Board

---

June 26, 2013

James A. Perkins, Attorney for Licensee  
Larson Berg & Perkins PLLC  
PO Box 550  
Yakima, WA 98907-0550

Jamie Muffett, Licensee  
Tuscan Sands LLC  
d/b/a Tuscan II  
1002 Vintage Valley Pkwy  
Zillah, WA 98953-9671

Timothy D. Ford, 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: Tuscan Sands LLC**

**TRADE NAME: Tuscan II**

**LOCATION: 1002 Vintage Valley Pkwy, Zillah, WA 98953-9671**

**LICENSE NO. 080536-4E**

**ADMINISTRATIVE VIOLATION NOTICE NOS. 4D2174A and 4D2141A**

**LCB HEARING NOS. 24,103 and 24,205**

**UBI: 602-740-200-001-0001**

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail in the above-referenced matter, as well as a copy of the Stipulated Settlement Agreement. **The applicable monetary penalty is due by Friday, July 26, 2013. If payment is not timely, then suspension will take place from 11:00 a.m. on Thursday, August 8, 2013 until 11:00 a.m. on Thursday, August 15, 2013.** If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures

cc: Spokane and Pasco Enforcement and Education Divisions, WSLCB  
Lisa Red, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,103; AND ALSO  
LCB NO. 24,205

TUSCAN SANDS LLC  
d/b/a TUSCAN II

1002 VINTAGE VALLEY PKWY  
ZILLAHA, WA 98953-9671

DECLARATION OF SERVICE BY  
MAIL

LICENSEE

LICENSE NO. 080536-4D  
AVN NO. 4D2174A  
AVN NO. 4D2141A

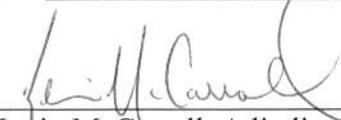
I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state offices, on the date below to:

JAMES A. PERKINS, ATTORNEY FOR  
LICENSEE  
LARSON BERG & PERKINS PLLC  
PO BOX 550  
YAKIMA, WA 98907-0550

OFFICE OF THE ATTORNEY GENERAL  
MAIL STOP 40100, GCE DIVISION  
TIMOTHY FORD,  
ASSISTANT ATTORNEY GENERAL

JAMIE MUFFETT, LICENSEE  
TUSCAN SANDS LLC  
d/b/a TUSCAN II  
1002 VINTAGE VALLEY PKWY  
ZILLAHA, WA 98953-9671

DATED this 26<sup>th</sup> day of June, 2013, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY  
MAIL