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

6 IN THE MATTER OF:

7 YORKSTON OIL CO. d/b/a  
8 YORKY'S GROCERY #2

9 8839 BLAINE ROAD  
10 BLAINE, WA 98230

11 LICENSEE

12 LICENSE NO. 358599  
AVN NO. 3A2171C

OAH NO. 2013-LCB-0046

LCB NO. 24,201

FINAL ORDER OF THE BOARD  
~~PROPOSED~~

13 THIS MATTER having come before the Washington State Liquor Control Board (Board)  
14 and the Washington State Liquor Control Board Education and Enforcement Division  
15 (Enforcement) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and  
16 MARISA E. BROGGEL, Assistant Attorney General, and YORKSTON OIL CO. d/b/a  
17 YORKY'S GROCERY #2 (Licensee), represented by J. Matthew Yorkston, and the parties  
18 having voluntarily entered into a stipulated settlement agreement for Administrative Violation  
19 Notice (AVN) No. 3A2171C, Case No. 24,201, and the Board having considered the stipulated  
20 settlement agreement and Enforcement's memorandum recommending acceptance of the  
21 stipulated settlement agreement, and the Board having had the opportunity to review the file  
22 materials maintained in this case, now, therefore:

23 IT IS HEREBY ORDERED that the allegations set forth in AVN No. 3A2171C, to wit:  
24 that on or around June 19, 2012, the Licensee or an employee(s) thereof gave, sold and/or  
25 otherwise supplied liquor to a person under the age of twenty-one (21), contrary to  
26 RCW 66.44.270(1) and/or WAC 314-11-020(1), is sustained.

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

3 **Washington State Liquor Control Board**  
4 **Enforcement and Education Division**  
5 **PO Box 43085**  
6 **Olympia, WA 98504-3085**

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

10 DATED this 21 day of AUGUST, 2013.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12   
13 JUSTIN NORDHORN, CHIEF  
14 ENFORCEMENT AND EDUCATION DIVISION  
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13 LICENSEE

14 LICENSE NO. 358599  
15 AVN NO. 3A2171C

OAH No. 2013-LCB-0046  
LCB No. 24,201

STIPULATED SETTLEMENT  
AGREEMENT

16 The Washington State Liquor Control Board Education and Enforcement Division  
17 (Enforcement), by and through its attorneys, ROBERT W. FERGUSON, Attorney General,  
18 and MARISA E. BROGGEL, Assistant Attorney General, and YORKSTON OIL CO. d/b/a  
19 YORKY'S GROCERY #2 (Licensee), hereby enter into this stipulated settlement agreement  
20 for Washington State Liquor Control Board (Board) Case No. 24,201 arising from  
21 Administrative Violation Notice (AVN) No. 3A2171C.

22 **I. INTRODUCTION**

23 The Washington State Liquor Control Board (Board) charged the Licensee with the  
24 following alleged violation of Title 66 RCW and/or Title 314 WAC by its complaint dated  
25 May 30, 2013:

26 That on or around June 19, 2012, the above-named Licensee or an employee(s)  
thereof gave, sold and/or otherwise supplied liquor to a person under the age of  
twenty-one (21), contrary to RCW 66.44.270(1) and/or WAC 314-11-020(1).

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

3 **II. AGREEMENT OF THE PARTIES**

4 Enforcement and the Licensee agree to the following:

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

7 2. The Licensee explicitly waives the right to further administrative review of all  
8 matters related to the above-referenced AVN No. 3A2171C. Furthermore, the Licensee hereby  
9 voluntarily withdraws its request for a hearing in this matter.

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

12 4. The Licensee stipulates to the violation as alleged in the Complaint;  
13 specifically, Licensee stipulates that on or around June 19, 2012, the Licensee or an  
14 employee(s) thereof gave, sold and/or otherwise supplied liquor to a person under the age of  
15 twenty-one (21), contrary to RCW 66.44.270(1) and/or WAC 314-11-020(1).

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

20 6. The Licensee agrees to pay a monetary penalty of three hundred dollars (\$300)  
21 for the above-referenced violation. The Licensee agrees to pay this penalty in full within thirty  
22 (30) days of the date of the Final Order of the Board, no later than 4:00 p.m. on the applicable  
23 date. **Payment shall be sent to:**

24 **Washington State Liquor Control Board**  
25 **ATTN: Enforcement**  
**P.O. Box 43085**  
26 **Olympia WA, 98504-3085**

1           7.     In the event that the Licensee fails to make a full or timely payment of the  
2 monetary penalty, as set out and required by Section II, Paragraph 6, the Licensee shall be  
3 subject to a five (5) day suspension of its liquor license, the dates of suspension to be  
4 determined by the Board.

5           8.     The undersigned parties declare that the terms of this Settlement Agreement are  
6 completely read, wholly understood, and voluntarily accepted for the purpose of making a full  
7 and final compromise and settlement of any and all claims arising from the above referenced.

8           9.     The parties recognize that this Agreement is subject to approval by the  
9 Washington State Liquor Control Board.

10  
11 ROBERT W. FERGUSON  
12 Attorney General

13   
14 \_\_\_\_\_  
15 MARISA E. BROGGEL, WSBA #41767  
16 Assistant Attorney General  
17 Attorneys for Washington State  
18 Liquor Control Board Education and  
19 Enforcement Division

20 August 13, 2013  
21 \_\_\_\_\_  
22 DATE

23  
24   
25 \_\_\_\_\_  
26 J. MATTHEW YORKSTON, Representative  
for YORKSTON OIL CO. d/b/a  
YORKY'S GROCERY #2, Licensee

7/29/13  
\_\_\_\_\_  
DATE



Washington State  
Liquor Control Board

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August 22, 2013

J. Matthew Yorkston  
Yorkston Oil Co.  
d/b/a Yorky's Grocery #6  
PO Box 893  
Bellingham, WA 98227-0800

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: Yorky's Oil Co.**  
**TRADE NAME: Yorky's Grocery #2**  
**LOCATION: 8839 Blaine Rd, Blaine, WA 98230**  
**LICENSE NO. 358599-3A**  
**ADMINISTRATIVE VIOLATION NOTICE NO. 3A2171C**  
**LCB HEARING NO. 24,201**  
**OAH NO. 2013-LCB-0046**  
**UBI: 600-323-686-001-0003**

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 September 23, 2013. If payment is not received timely, then suspension will take place from 12:00 p.m. on Wednesday, October 16, 2013 until 12:00 p.m. on Monday, October 21, 2013.** If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in cursive script that reads "Kevin McCarroll".

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures

cc: Mt. Vernon Enforcement and Education Division, WSLCB  
Jamie Marshall, WSLCB

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

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

3 YORKY'S OIL CO.  
4 d/b/a YORKY'S GROCERY #2  
5 8839 BLAINE ROAD  
6 BLAINE, WA 98225-1028

6 LICENSEE

7 LICENSE NO. 358599-3A  
8 AVN NO. 3A2171C

LCB NO. 24,201  
OAH NO. 2013-LCB-0046

DECLARATION OF SERVICE BY  
MAIL

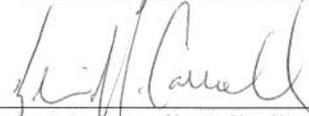
9 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-  
10 referenced matter to be served on all parties or their counsel of record by US Mail Postage  
11 Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state  
12 offices, on the date below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

15 J. MATTHEW YORKSTON  
16 YORKSTON OIL CO.  
17 d/b/a YORKY'S GROCERY #6  
18 PO BOX 893  
19 BELLINGHAM, WA 98227-0800

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

18 J. MATTHEW YORKSTON  
19 YORKY'S OIL CO.  
20 d/b/a YORKY'S GROCERY #2  
21 8839 BLAINE ROAD  
22 BLAINE, WA 98225-1028

21 DATED this 22<sup>nd</sup> day of August, 2013, at Olympia, Washington.

23   
24 Kevin McCarroll, Adjudicative Proceedings Coordinator

25 DECLARATION OF SERVICE BY  
26 MAIL