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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 #6
9 3910 BENNETT DR.
10 BELLINGHAM, WA 98225

11 LICENSEE

12 LICENSE NO. 072724
AVN NO. 3A2214C

OAH NO. 2013-LCB-0045

LCB NO. 24,208

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 #6 (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. 3A2214C, Case No. 24,208, 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. 3A2214C, to wit:
24 that on or around August 1, 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.

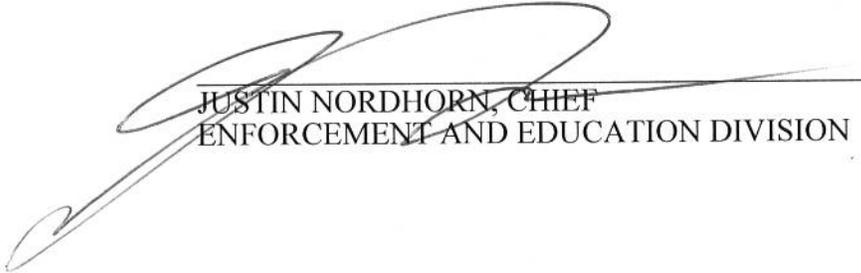
1 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of three
2 hundred dollars (\$300) within thirty (30) days of this order, to:

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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9 YORKSTON OIL CO. d/b/a
10 YORKY'S GROCERY #6

11 3910 BENNETT DR.
12 BELLINGHAM, WA 98225

13 LICENSEE

14 LICENSE NO. 072724
15 AVN NO. 3A2214C

OAH No. 2013-LCB-0045
LCB No. 24,208

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 #6 (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. 3A2214C.

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 August 1, 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. 3A2214C. 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 August 1, 2012, the Licensee or employee(s)
14 thereof gave, sold, and/or supplied liquor to a person(s) under the age of twenty-one (21),
15 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:**

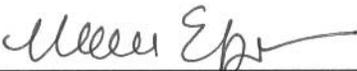
24 **Washington State Liquor Control Board**
25 **ATTN: Enforcement**
P.O. Box 43085
26 **Olympia WA, 98504-3085**

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 her 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 ROBERT W. FERGUSON
11 Attorney General

12
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

8/13/2013

DATE

18
19 
20 _____
21 J. Matthew Yorkston, Representative for
22 YORKSTON OIL CO. d/b/a
23 YORKY'S GROCERY #6, Licensee

7/29/13

DATE



Washington State
Liquor Control Board

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 #6
LOCATION: 3910 Bennett Dr, Bellingham, WA 98225
LICENSE NO. 072724-3A
ADMINISTRATIVE VIOLATION NOTICE NO. 3A2214C
LCB HEARING NO. 24,208
OAH NO. 2013-LCB-0045
UBI: 600-323-686-001-0009

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 Thursday, October 17, 2013 until 12:00 p.m. on Tuesday, October 22, 2013. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

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

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

3 YORKY'S OIL CO.
4 d/b/a YORKY'S GROCERY #6
5 3910 BENNETT DR
6 BELLINGHAM, WA 98225-1028

7 LICENSEE

8 LICENSE NO. 072724-3A
9 AVN NO. 3A2214C

LCB NO. 24,208
OAH NO. 2013-LCB-0045

DECLARATION OF SERVICE BY
MAIL

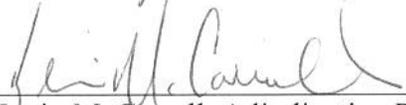
10 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
11 referenced matter to be served on all parties or their counsel of record by US Mail Postage
12 Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state
13 offices, on the date below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

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

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

19 J. MATTHEW YORKSTON
20 YORKY'S OIL CO.
21 d/b/a YORKY'S GROCERY #6
22 3910 BENNETT DR
23 BELLINGHAM, WA 98225-1028

24 DATED this 22nd day of August, 2013, at Olympia, Washington.

25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator