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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

THE CLEVER BOTTLE LLC d/b/a
CLEVER BOTTLE

2222 2ND AVE. STE 100
SEATTLE, WA 98121-2248

LICENSEE

LICENSE NO. 404833
AVN NO. 2C2210A

OAH NO. 2013-LCB-0016
LCB NO. 24,216

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) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and THE CLEVER BOTTLE LLC d/b/a CLEVER BOTTLE (Licensee), by and through its representative, KRISTEN BURNS, and the parties having voluntarily entered into a stipulated settlement agreement for Administrative Violation Notice (AVN) No. 2C2210A, Case No. 24,216, 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. 2C2210A, to wit: Licensee or employee(s) thereof allowed the purchase, sale, possession and/or consumption of

1 liquor on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m., in violation of
2 WAC 314-11-070(e) and/or WAC 314-11-070(f), is sustained.

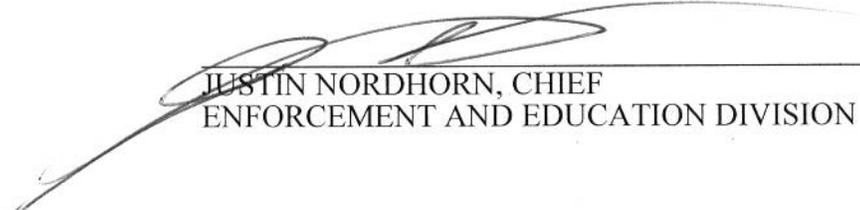
3 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of five
4 hundred dollars (\$500) within thirty (30) days of this order, no later than 4:00 p.m. on the
5 applicable date. Payment shall be sent to:

6 **Washington State Liquor Control Board**
7 **ATTN: Enforcement**
8 **P.O. Box 43085**
9 **Olympia, WA 98504-3085**

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

13 DATED this 03 day of SEPTEMBER, 2013.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

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16 JUSTIN NORDHORN, CHIEF
17 ENFORCEMENT AND EDUCATION DIVISION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

THE CLEVER BOTTLE LLC d/b/a
CLEVER BOTTLE

2222 2ND AVE. STE 100
SEATTLE, WA 98121-2248

LICENSEE

LICENSE NO. 404833
AVN NO. 2C2210A

OAH NO. 2013-LCB-0016
LCB NO. 24,216

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and THE CLEVER BOTTLE LLC d/b/a CLEVER BOTTLE (Licensee), by and through its representative, KRISTEN BURNS, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case No. 24,216, arising from Administrative Violation Notice (AVN) No. 2C2210A.

I. INTRODUCTION

The Washington State Liquor Control Board (Board) charged Licensee with the following violation of Title 66 RCW and/or Title 314 WAC by its complaint dated April 16, 2013:

That on or around July 28, 2012, the Licensee or employee(s) thereof allowed the purchase, sale, possession and/or consumption of liquor on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m., in violation of WAC 314-11-070(e) and/or WAC 314-11-070(f).

STIPULATED SETTLEMENT
AGREEMENT
THE CLEVER BOTTLE LLC d/b/a
CLEVER BOTTLE
24,216

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

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

3
4 **II. AGREEMENT OF THE PARTIES**

5 Enforcement and the Licensee agree to the following:

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 to 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 Complaint.
14 Specifically, the Licensee stipulates that or around July 28, 2012, the Licensee or employee(s)
15 thereof allowed the purchase, sale, possession and/or consumption of liquor on the licensed
16 premises between the hours of 2:00 a.m. and 6:00 a.m., in violation of WAC 314-11-070(e)
17 and/or WAC 314-11-070(f).

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

21 6. The Licensee agrees to pay a monetary penalty of five hundred dollars (\$500)
22 within thirty (30) days of the date of the Final Order of the Board, no later than 4:00 p.m. on
23 the applicable date, for the violation stipulated to in Section II, Paragraph 4. Payment shall be
24 sent to:

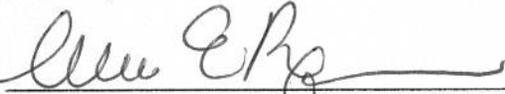
25 **Washington State Liquor Control Board**
26 **ATTN: Enforcement**
P.O. Box 43085
Olympia, WA 98504-3085

1 7. In the event that the Licensee fails to make the full payment of the monetary
2 penalty on time, 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 and times of suspension to
4 be determined by the Board.

5 8. The parties recognize that this Agreement is subject to approval by the Board.

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

10
11 ROBERT W. FERGUSON
Attorney General

12 

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

12 8/29/2013
13 DATE

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17 

18 KRISTEN BURNS
19 Licensee
20 The Clever Bottle, LLC d/b/a
Clever Bottle

17 DATE

17 7/26/13



Washington State
Liquor Control Board

September 4, 2013

Kirsten Burns
The Clever Bottle LLC
d/b/a Clever Bottle
2205 2nd Ave Apt 610
Seattle, WA 98121-2003

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: The Clever Bottle LLC
TRADE NAME: Clever Bottle
LOCATION: 2222 2nd Ave Ste 100, Seattle, WA 98121-2048
LICENSE NO. 404833-2C
ADMINISTRATIVE VIOLATION NOTICE NO. 2C2210A
LCB HEARING NO. 24,216
OAH NO. 2013-LCB-0016
UBI: 602-916-019-001-0001

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 October 4, 2013. If payment is not received timely, then suspension will take place from 4:00 p.m. on Thursday, October 17, 2013 until 4:00 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: Federal Way and Mount Lake Terrace Enforcement and Education Divisions, WSLCB
Jamie Marshall, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,216

THE CLEVER BOTTLE LLC
d/b/a CLEVER BOTTLE
2222 2ND AVE STE 100
SEATTLE, WA 98121-2048

OAH NO. 2013-LCB-0016

LICENSEE

DECLARATION OF SERVICE BY
MAIL

LICENSE NO. 404833
AVN NO. 2C2210A

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:

KIRSTEN BURNS
THE CLEVER BOTTLE LLC
d/b/a CLEVER BOTTLE
2205 2ND AVE APT 610
SEATTLE, WA 98121-2003

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

KIRSTEN BURNS
THE CLEVER BOTTLE LLC
d/b/a CLEVER BOTTLE
2222 2ND AVE STE 100
SEATTLE, WA 98121-2048

DATED this 4th day of September, 2013, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator