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

8 IN THE MATTER OF:

9 EL SALVADOR PUPUSERIA TITA'S

10 26026 PACIFIC HIGHWAY S
KENT, WA 98032-6936

11 LICENSEE

12 LICENSE NO. 086996
13 AVN NO. 2N2266A

OAH NO. 2013-LCB-0003
LCB NO. 24,224

FINAL ORDER OF THE BOARD
[PROPOSED]

14 THIS MATTER having come before the Washington State Liquor Control Board
15 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
16 (Enforcement) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and
17 MARISA E. BROGGEL, Assistant Attorney General, and FIDEL A. MONTOYA d/b/a EL
18 SALVADOR PUPUSERIA TITA'S (Licensee), and the parties having voluntarily entered into
19 a stipulated settlement agreement for Administrative Violation Notice (AVN) No. 2N2266A,
20 Case No. 24,224, and the Board having considered the stipulated settlement agreement and
21 Enforcement's memorandum recommending acceptance of the stipulated settlement
22 agreement, and the Board having had the opportunity to review the file materials maintained in
23 this case, now, therefore:

24 IT IS HEREBY ORDERED that the allegations set forth in AVN No. 2N2266A, to wit:
25 that on or about September 22, 2012, the above-named Licensee or employee(s) thereof,
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1 allowed alcohol to be consumed on the licensed premises between the hours of 2:00 a.m. and
2 6:00 a.m. contrary to Ch. 66.44 RCW and WAC 314-11-070(1)(e), is sustained.

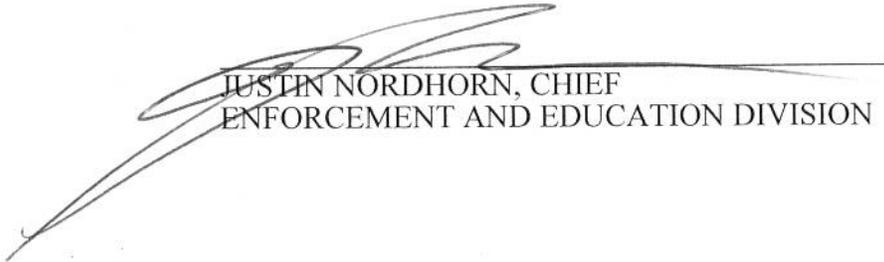
3 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of three
4 hundred dollars (\$300) within thirty (30) days of this order, to:

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 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 20 day of MAY, 2013.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 
16 JUSTIN NORDHORN, CHIEF
17 ENFORCEMENT AND EDUCATION DIVISION
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RECEIVED

MAY 20 2013

Liquor Control Board
Board Administration

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

EL SALVADOR PUPUSERIA TITA'S

26026 PACIFIC HIGHWAY S
KENT, WA 98032-6936

LICENSEE

LICENSE NO. 086996
AVN NO. 2N2266A

OAH NO. 2013-LCB-0003
LCB NO. 24,224

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 FIDEL A. MONTOYA d/b/a EL SALVADOR PUPUSERIA TITA'S (Licensee), hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case No. 24,224, arising from Administrative Violation Notice (AVN) No. 2N2266A

I. INTRODUCTION

The Washington State Liquor Control Board (Board) charged the Licensee with the following alleged violation of Title 66 RCW and/or Title 314 WAC by its complaint dated October 29, 2012:

That on or around September 22, 2012, the Licensee or employee(s) thereof allowed alcohol to be consumed on the premises between the hours of 2 a.m. and 6 a.m., contrary to Ch. 66.44 RCW and WAC 314-11-070(1)(e).

1 Enforcement and the Licensee wish to enter into the following Stipulated Settlement
2 Agreement (Agreement) concerning the 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 violation. Furthermore, the Licensee hereby
9 voluntarily withdraws its request for a formal administrative 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 set forth in the AVN. Specifically, the
13 Licensee admits that or around September 22, 2012, the Licensee or employee(s) thereof
14 allowed alcohol to be consumed on the premises between the hours of 2 a.m. and 6 a.m.,
15 contrary to Ch. 66.44 RCW and WAC 314-11-070(1)(e).

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

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

23 **Washington State Liquor Control Board**
24 **Enforcement and Education Division**
25 **3000 Pacific Ave. SE**
PO Box 43085
26 **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
12 Attorney General

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

13 May 15, 2013
14 DATE

17 
18 FIDEL A. MONTOYA
19 Licensee

18 5-14-13
19 DATE



Washington State
Liquor Control Board

May 21, 2013

Fidel A. Montoya
d/b/a El Salvador Pupuseria Tita's
23211 20th Ave S
Des Moines, WA 98198-7512

Marisa E. 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: Fidel A. Montoya
TRADE NAME: El Salvador Pupuseria Tita's
LOCATION: 26026 Pacific Hwy S, Kent, WA 98032
LICENSE NO. 086996-2N
ADMINISTRATIVE VIOLATION NOTICE NO. 2N2266A
LCB HEARING NO. 24,224
UBI: 602-644-586-001-0003

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 Thursday, June 20, 2013. If payment is not received timely, then suspension will take place from 12:00 p.m. on Thursday, July 11, 2013 until 12:00 p.m. on Tuesday, July 16, 2013. 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: Tukwila Enforcement and Education Division, WSLCB
Lisa Red, WSLCB

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

LCB NO. 24,224
OAH NO. 2013-LCB-0003

3 FIDEL A. MONTOYA
4 d/b/a EL SALVADOR PUPUSERIA
5 TITA'S

DECLARATION OF SERVICE BY
MAIL

6 26026 PACIFIC HWY S
7 KENT, WA 98032

8 LICENSEE

9 LICENSE NO. 086996-2N
AVN NO. 2N2266A

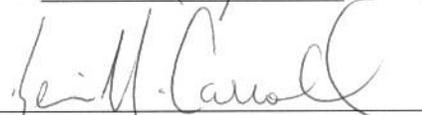
10 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
11 referenced matter to be served on all parties or their counsel of record by US Mail Postage
12 Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state
13 offices, on the date below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

14 FIDEL A. MONTOYA d/b/a
15 EL SALVADOR PUPUSERIA TITA'S
16 23211 20TH AVE S
17 DES MOINES, WA 98198-7512

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

18 FIDEL A. MONTOYA d/b/a
19 EL SALVADOR PUPUSERIA TITA'S
20 26026 PACIFIC HWY S
KENT, WA 98032-6936

21 DATED this 21st day of May, 2013, at Olympia, Washington.

22 
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24 Kevin McCarroll, Adjudicative Proceedings Coordinator
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