BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: LUBERTO RODRIGUEZ d/b/a EL COMPADRE 220 S. WAPATO AVE WAPATO, WA 98951 LICENSEE LICENSE NO. 401289 AVN NO. 4A2307A	LCB NO. 24,503 FINAL ORDER OF THE BOARD [~~PROPOSED~~]
IN THE MATTER OF: LUBERTO RODRIGUEZ d/b/a EL COMPADRE 220 S. WAPATO AVE WAPATO, WA 98951 LICENSEE LICENSE NO. 401289 AVN NO. 4D3246A	LCB NO. 24,851

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 ISAAC WILLIAMSON, Assistant Attorney General, and LUBERTO RODRIGUEZ d/b/a EL COMPADRE (Licensee) by and through VICTOR H. LARA, attorney, and the parties having voluntarily entered into a stipulated settlement agreement for case numbers 24,503 and 24,851, and the Board having considered the Stipulated Settlement Agreement and Enforcement's

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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 Stipulated Settlement Agreement in the above captioned case is adopted in its entirety: 1) the Complaint issued in Case Number 24,503 is withdrawn; and 2) the AVN for Case Number 24,851 is sustained. A fourteen (14) day suspension of the Licensee's liquor license will go into effect, the dates and time of which shall be set by the Washington State Liquor Control Board.

DATED this 4TH day of FEBRUARY, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruth Jane Kinore

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Olympia, WA 98504-0100
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Liquor Control Board
Board Administration

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: LUBERTO RODRIGUEZ d/b/a EL COMPADRE 220 S. WAPATO AVE WAPATO, WA 98951 LICENSEE LICENSE NO. 401289 AVN NO. 4A2307A	LCB NO. 24,503 STIPULATED SETTLEMENT AGREEMENT
IN THE MATTER OF: LUBERTO RODRIGUEZ d/b/a EL COMPADRE 220 S. WAPATO AVE WAPATO, WA 98951 LICENSEE LICENSE NO. 401289 AVN NO. 4D3246A	LCB NO. 24,851

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and ISAAC WILLIAMSON, Assistant Attorney General, and LUBERTO RODRIGUEZ d/b/a EL COMPADRE (Licensee) by and through VICTOR H. LARA, attorney, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case numbers 24,503 and 24,851.

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I. INTRODUCTION

The Washington State Liquor Control Board, Enforcement and Education Division charged the above-named Licensee, with the following alleged violation of the Washington State Liquor Control Board rules and regulations, by its complaint dated March 4, 2013:

> On or about November 3, 2012, the above-named Licensee or employee(s) thereof, served and/or sold liquor to an apparently intoxicated person on the licensed premises, and/or allowed an apparently intoxicated person(s) to consume liquor on the licensed premises, contrary to RCW 66.44.200.

The Washington State Liquor Control Board Enforcement and Education Division issued AVN No. 4D3246A to the Licensee, alleging two violations: 1) that on or about June 11, 2013, the above-named Licensee, or an employee(s) thereof, allowed a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty-one (21), contrary to RCW 66.44.310 and WAC 314-11-020(2); and 2) that on or about June 11, 2013, the above-named Licensee or employee(s) thereof consumed liquor while working on the premises or were apparently intoxicated while on the premises, contrary to WAC 314-11-015(3).

II. AGREEMENT OF THE PARTIES

Prior to the filing of an administrative complaint, the parties have agreed to resolve the above captioned cases. Enforcement and the Licensee agree to the following:

1. The parties enter into this Agreement to avoid the time and expense of further litigation.

2. The Licensee explicitly waives the right of further administrative review of all matters related to the above-referenced complaint and AVNs. The Licensee hereby voluntarily withdraws its request for a hearing in this matter.

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

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4. The Licensee admits to the violations set forth in AVN No. 4D3246A. Specifically: 1) on or about June 11, 2013, the above-named Licensee, or an employee(s) thereof, allowed a person under twenty-one (21) years of age to enter and remain in an area classified as off-limits to persons under the age of twenty one (21), contrary to RCW 66.44.310 and WAC 314-11-020(2); and 2) that on or about June 11, 2013, the above-named Licensee or employee(s) thereof consumed liquor while working on the premises or were apparently intoxicated while on the premises, contrary to WAC 314-11-015(3).

5. The Licensee acknowledges that the above referenced violation for allowing a person under twenty-one (21) years of age to enter and remain in an off-limits area is the Licensee's second violation within a twenty-four (24) month period, for which the standard penalty is suspension of the Licensee's liquor license for seven (7) days.

6. The Licensee acknowledges that the above referenced violation for an employee consuming liquor or appearing intoxicated on the premises is the Licensee's second violation within a twenty-four (24) month period, for which the standard penalty is suspension of the Licensee's liquor license for seven (7) days.

7. The Licensee agrees to a suspension of fourteen (14) days, the dates and times of suspension to be determined by the Board.

8. Enforcement agrees to withdraw the alleged violation in Case No. 24,503 alleging that "[o]n or about November 3, 2012, the above-named Licensee or employee(s) thereof, served and/or sold liquor to an apparently intoxicated person on the licensed premises, and/or allowed an apparently intoxicated person(s) to consume liquor on the licensed premises, contrary to RCW 66.44.200."

9. The Licensee further agrees that all of its employees will participate in a responsible liquor and tobacco sales class provided by Enforcement no later than sixty (60) days after the date of the Final Order of the Board. The Licensee is responsible for

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coordinating the date, time, and location of the training class through its assigned Liquor Enforcement Officer.

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

STIPULATED AND AGREED TO by:

ROBERT W. FERGUSON
Attorney General

ISAAC WILLIAMSON, WSBA #43921
Assistant Attorney General
Attorney for Washington State
Liquor Control Board Education and
Enforcement Division

1/23/14
DATE

VICTOR H. LARA, WSBA #13017
Attorney for LUBERTO RODRIGUEZ
d/b/a EL COMPADRE, Licensee

1/15/14
DATE

LUBERTO RODRIGUEZ d/b/a
EL COMPADRE, Licensee

1-15-2014
DATE

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Washington State
Liquor Control Board

February 5, 2014

Victor Lara,
Attorney for Licensee
411 N 2nd St
Yakima, WA 98901-2336

Luberto Rodriguez
d/b/a El Compadre
PO Box 276
Wapato, WA 98951-0276

Isaac Wiliamson, 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: Luberto Rodriquez
TRADE NAME: El Compadre
LOCATION: 220 S Wapato Ave, Wapato, WA 98951
LICENSE NO. 401289-4D
ADMINISTRATIVE VIOLATION NOTICE NOS. 4A2307A and 4D3246A
LCB HEARING NOS. 24,503 and 24,851
UBI: 602 797 606 001 0002

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 14-day suspension will take place from 10:00 a.m. on Thursday, February 27, 2014 until 10:00 a.m. on Thursday, March 13, 2014.** 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
Jamie Marshall, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: LUBERTO RODRIQUEZ d/b/a EL COMPADRE 220 S WAPATO AVE WAPATO, WA 98951-1345 LICENSEE LICENSE NO. 401289 AVN NOS. 4A2307A and 4D3246A	LCB NOS. 24,503 24,851 DECLARATION OF SERVICE BY MAIL

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:

VICTOR LARA, ATTORNEY FOR LICENSEE 411 N 2ND ST YAKIMA, WA 98901-2336	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION ISAAC WILLIAMSON, ASSISTANT ATTORNEY GENERAL
LUBERTO RODRIGUEZ d/b/a EL COMPADRE PO BOX 276 WAPATO, WA 98951-0276	

DATED this 5th day of February, 2014, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator

Washington State Liquor Control Board
3000 Pacific Avenue SE
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Olympia, WA 98504-3076
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