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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

THE CROWS NEST EVERETT LLC
d/b/a THE CROWS NEST

1125 N. BROADWAY
EVERETT, WA 98201

LICENSEE

LICENSE NO. 352986
AVN NO. 3F2307A

LCB NO. 24,701

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 CROWS NEST EVERETT LLC d/b/a THE CROWS NEST (Licensee), by and through its representative, MARIA JURADO, and the parties having voluntarily entered into a stipulated settlement agreement for Administrative Violation Notice (AVN) No. 3F2307A, Case No. 24,701, 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 allegations set forth in AVN No. 3F2307A and Enforcement's Complaint dated March 13, 2013, to wit: that on or about November 2, 2012, the above-named Licensee or employee(s) thereof permitted an apparently intoxicated person

1 to possess and/or consume liquor on the licensed premises contrary to WAC 314-16-150, is
2 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 **PO Box 43085**
7 **Olympia, WA 98504-3085**

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

11 DATED this 23rd day of July, 2013.

12 WASHINGTON STATE LIQUOR CONTROL BOARD

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17 *Barthmann Kurose*
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RECEIVED

JUL 16 2013

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

THE CROWS NEST EVERETT LLC
d/b/a THE CROWS NEST

1125 N. BROADWAY
EVERETT, WA 98201

LICENSEE

LICENSE NO. 352986
AVN NO. 3F2307A

OAH NO. 2013-LCB-0013
LCB NO. 24,701

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 CROWS NEST EVERETT LLC d/b/a THE CROWS NEST (Licensee), by and through its representative, MARIA JURADO, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case No. 24,701, arising from Administrative Violation Notice (AVN) No. 3F2307A

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 March 13, 2013:

That on or around November 2, 2012, the Licensee or employee(s) thereof permitted an apparently intoxicated person to possess and/or consume liquor on the licensed premises, contrary to WAC 314-16-150.

ORIGINAL

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 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 November 2, 2012, the Licensee or employee(s) thereof
14 permitted an apparently intoxicated person to possess and/or consume liquor on the licensed
15 premises, in violation of WAC 314-16-150.

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**
26 **PO 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 ROBERT W. FERGUSON
11 Attorney General

12 
13 _____
14 MARISA E. BROGGEL, WSBA #41767
15 Assistant Attorney General
16 Attorneys for Washington State
17 Liquor Control Board Education and
18 Enforcement Division

12 4/13/2013
13 _____
14 DATE

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18 _____
19 MARIA JURADO
20 For The Crows Nest Everett LLC d/b/a
21 The Crows Nest (Licensee)

17 6/10/13
18 _____
19 DATE



Washington State
Liquor Control Board

July 24, 2013

Maria Jurdao
The Crows Nest Everett LLC
d/b/a The Crows Nest
7909 238th Street SW Unit A
Edmonds, WA 98026-8864

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 Crows Nest Everett LLC
TRADE NAME: The Crows Nest
LOCATION: 1125 N Broadway, WA 98201
LICENSE NO. 352986-3F
ADMINISTRATIVE VIOLATION NOTICE NO. 3F2307A
LCB HEARING NO. 24,701
OAH NO. 2013-LCB-0013
UBI: 603-216-831-001-0001

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 Friday, August 23, 2013. If payment is not timely, then suspension will take place from 10:00 a.m. on Thursday, September 12, 2013 until 10:00 a.m. on Tuesday, September 17, 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

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,701

THE CROWS NEST EVERETT
LLC d/b/a THE CROWS NEST

DECLARATION OF SERVICE BY
MAIL

1125 N BROADWAY
EVERETT, WA 98201

LICENSEE

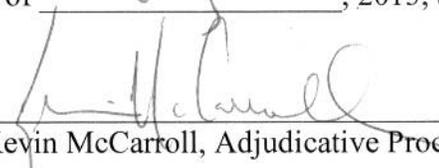
LICENSE NO. 352986
AVN NO. 3F2307A

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:

MARIA JURDAO
THE CROWS NEST EVERETT LLC
d/b/a THE CROWS NEST
1125 N BROADWAY
EVERETT, WA 98201-1411

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

DATED this 24th day of July, 2013, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator