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

8 IN THE MATTER OF:

LCB NO. 24,732

9 MCCOY'S CAVERN INC d/b/a
10 MCCOY'S CAVERN
11 418 E 4TH AVE
12 OLYMPIA WA, 98501

FINAL ORDER OF THE BOARD

[PROPOSED]

LICENSEE

13 License No. 353021
14 AVN NO. 1F3040B

15 THIS MATTER having come before the Washington State Liquor Control Board
16 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
17 (Enforcement) represented by its attorneys, ROBERT W. FERGUSON, Attorney General, and
18 ISAAC WILLIAMSON, Assistant Attorney General, and the Licensee, MCCOY'S CAVERN
19 INC. d/b/a MCCOY'S CAVERN (Licensee), by and through IAN ABEL, and the Board
20 having considered the Stipulated Settlement Agreement and Enforcement's memorandum
21 recommending acceptance of the Settlement Agreement, and the Board having had the
22 opportunity to review the file materials maintained in this case, now therefore:

23 IT IS HEREBY ORDERED the Board accepts, adopts, and incorporates herein by
24 reference the Stipulated Settlement Agreement between Enforcement and the Licensee in the
25 above-captioned matter and further that the violation set forth and charged in Administrative
26 Violation Notice No. 1F3040B in the above-captioned matter is sustained. The Licensee shall
provide the Board with a menu that complies with WAC 314-02-035 and shall pay a total

FINAL ORDER OF THE BOARD
[PROPOSED]

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

MCCOY'S CAVERN INC. d/b/a
MCCOY'S CAVERN
LCB NO. 24,732

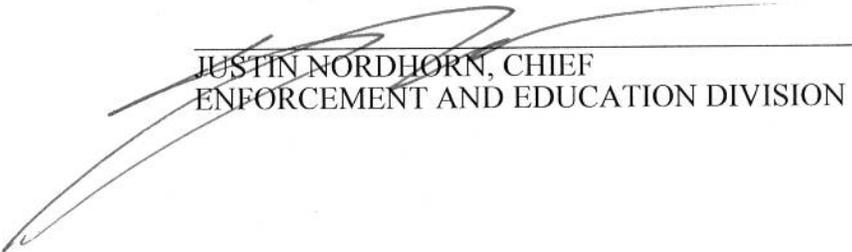
1 monetary penalty of one hundred fifty (\$150) for the above-referenced violation. The Licensee
2 shall pay the monetary penalty within thirty (30) days of the date of the Final Order of the
3 Board. All payments shall be sent to:

4 **Washington State Liquor Control Board**
5 **PO Box 43085**
6 **Olympia, WA 98504-3085**

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

10 DATED this 27 day of NOVEMBER, 2013.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 
13 JUSTIN NORDHORN, CHIEF
14 ENFORCEMENT AND EDUCATION DIVISION
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RECEIVED

NOV 21 2013

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,732

MCCOY'S CAVERN INC d/b/a
MCCOY'S CAVERN
418 E 4TH AVE
OLYMPIA WA, 98501

STIPULATED
SETTLEMENT AGREEMENT

LICENSEE

License No. 353021
AVN NO. 1F3040B

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 MCCOY'S CAVERN INC. d/b/a MCCOY'S CAVERN (Licensee), by and through IAN ABEL, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) Case Number 24,732.

I. INTRODUCTION

The Washington State Liquor Control Board Enforcement Division issued AVN No. 1F3040B to the Licensee, alleging that on or about February 9, 2013, the required food service was unavailable, contrary to WAC 314-02-035.

II. AGREEMENT OF THE PARTIES

Prior to the filing of an administrative complaint, the parties have agreed to resolve AVN No. 1F3040B via settlement. Enforcement and the Licensee agree to the following:



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

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

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

8 4. The Licensee admits to the violation set forth in AVN No. 1F3040B.
9 Specifically, on or about February 9, 2013, the required food service was unavailable on the
10 Licensee's premises, contrary to WAC 314-02-035.

11 5. The Licensee acknowledges that the above referenced violation is the
12 Licensee's first violation of this type within a twenty-four (24) month period, for which the
13 standard penalty is suspension of the Licensee's liquor license for five (5) days or a monetary
14 penalty of two hundred fifty dollars (\$250).

15 6. The Licensee agrees to pay a monetary penalty of one hundred fifty dollars
16 (\$150) for the above-referenced violation.

17 7. The Licensee shall pay the monetary penalty of one hundred fifty dollars (\$150)
18 no later than thirty (30) days after the date of the Final Order of the Board. **Payment shall be**
19 **sent to:**

20 **Washington State Liquor Control Board**
21 **P.O. Box 43085**
22 **Olympia, WA 98504-3085**

23 8. The Licensee further agrees that it will provide the Liquor Control Board with a
24 menu that complies with WAC 314-02-035 no later than thirty (30) days after the date of the
25 Final Order of the Board.

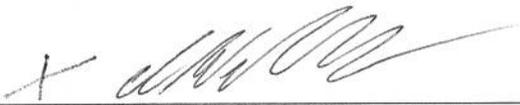
26 9. In the event that the Licensee fails to make full and timely payment of the
monetary penalty as required in Section II, Paragraph 7, or fails to provide a menu as required

1 in Section II, Paragraph 8, the Licensee shall serve the standard penalty of a five (5) day
2 suspension of its liquor license, the dates and times of which shall be set by the Washington
3 State Liquor Control Board.

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

6 STIPULATED AND AGREED TO by:

7
8 ROBERT W. FERGUSON
Attorney General

9
10 
11 _____
ISAAC WILLIAMSON, WSBA #43921
12 Assistant Attorney General
Attorney for Washington State
13 Liquor Control Board Education and
Enforcement Division

10/29/13

DATE

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15 
16 _____
IAN ABEL, Representative for
17 MCCOY'S CAVERN INC d/b/a
MCCOY'S CAVERN, Licensee

10.27.13

DATE



Washington State
Liquor Control Board

December 3, 2013

Ian Abel, Licensee
McCoy's Tavern, Inc.
d/b/a McCoy's Tavern
PO Box 471
DuPont, WA 98327-4471

Isaac Williamson, 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: McCoy's Tavern, Inc. (aka McCoy's Cavern, Inc.)
TRADE NAME: McCoy's Tavern (aka McCoy's Cavern)
LOCATION: 418 E 4th Ave, Olympia, WA 98501
LICENSE NO. 353021-1F
ADMINISTRATIVE VIOLATION NOTICE NO. 1F3040B
LCB HEARING NO. 24,732
UBI: 601-886-766-001-0001

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 January 2, 2014. If payment is not received timely, then suspension will take place from 11:00 a.m. on Thursday, January 23, 2014 until 11:00 a.m. on Tuesday, January 28, 2014.** If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Tacoma and Olympia Enforcement and Education Divisions, WSLCB
Jamie Marshall, WSLCB

1 **WASHINGTON STATE LIQUOR CONTROL BOARD**

2 IN THE MATTER OF:

LCB NO. 24,732

3 MCCOY'S TAVERN, INC.
4 d/b/a MCCOY'S TAVERN
5 418 E 4TH AVE
6 OLYMPIA, WA 98501

DECLARATION OF SERVICE BY
MAIL

7 LICENSEE

8 LICENSE NO. 353021-1F
9 AVN NO. 1F3040B

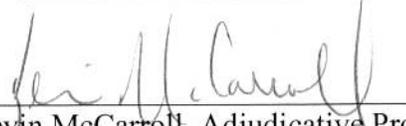
10 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
11 referenced matter to be served on all parties or their counsel of record by US Mail Postage
12 Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state
13 offices, on the date below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

14
15 IAN ABEL, LICENSEE
16 MCCOY'S TAVERN, INC.
17 d/b/a MCCOY'S TAVERN
18 PO BOX 471
19 DUPONT, WA 98327-4471

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
ISAAC WILLIAMSON,
ASSISTANT ATTORNEY GENERAL

20 IAN ABEL, LICENSEE
21 MCCOY'S TAVERN, INC.
22 d/b/a MCCOY'S TAVERN
23 418 E 4TH AVE
24 OLYMPIA, WA 98501-1109

25 DATED this 3rd day of December, 2013, at Olympia, Washington.

26 
Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL

1

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602