

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

DER, LLC d/b/a THE ZOO

9310 NE 76TH ST
VANCOUVER, WA 98662-3721

LICENSEE

LICENSE NO. 364096
AVN NO. 1J3068A

OAH NO. 2013-LCB-0029
LCB NO. 24,738

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 Licensee DER, LLC d/b/a THE ZOO (Licensee), and the parties having voluntarily entered into a stipulated settlement agreement for Administrative Violation Notice (AVN) No. 1J3068A, Case No. 24,738, 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. 1J3068A, to wit: that on or around March 9, 2013, the above-named Licensee or an employee(s) thereof, served and/or sold liquor to an apparently intoxicated person on the licensed premises, and/or allowed

1 an apparently intoxicated person(s) to consume liquor on the licensed premises, in violation of
2 RCW 66.44.200(1) and/or WAC 314-16-150, is sustained.

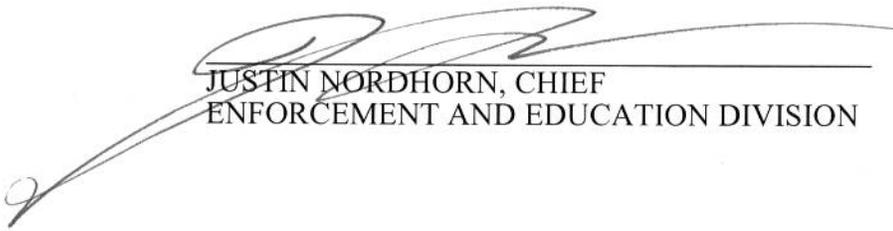
3 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of three
4 hundred and fifty dollars (\$350) within thirty (30) days of this order, no later than 4:00 p.m.
5 on the applicable date. Payment shall be sent to:

6 **Washington State Liquor Control Board**
7 **ATTN: Enforcement**
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 his liquor license, the dates and
12 time of which shall be set by the Board.

13 DATED this 27 day of NOVEMBER, 2013.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

15 
16 JUSTIN NORDHORN, CHIEF
17 ENFORCEMENT AND EDUCATION DIVISION
18
19
20
21
22
23
24
25
26

NOV 20 2013

Liquor Control Board
Board Administration

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

OAH NO. 2013-LCB-0029
LCB NO. 24,738

DER, LLC d/b/a THE ZOO
9310 NE 76TH ST
VANCOUVER, WA 98662

LICENSEE

STIPULATED SETTLEMENT
AGREEMENT

LICENSE NO. 364096
AVN NO. 1J3068A

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 Licensee DER, LLC d/b/a THE ZOO (Licensee), hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board Case No. 24,738, arising from Administrative Violation Notice (AVN) No. 1J3068A.

I. INTRODUCTION

The Washington State Liquor Control Board (Board) charged the Licensee with the following violation of Title 66 RCW and/or Title 314 WAC by its Complaint dated ^{MAY}~~March~~ 15, 2013 (the Complaint):

That on or around March 9, 2013, the above-named Licensee or an 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(1) and/or WAC 314-16-150.

1 Enforcement and the Licensee wish to enter into a settlement agreement (Agreement)
2 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 hereby explicitly waives the right to further administrative review
8 of any and all matters related to the Complaint and to AVN No. 1J3068A and voluntarily
9 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 Complaint. Specifically,
13 the Licensee admits that on or around March 9, 2013, the above-named Licensee or an
14 employee(s) thereof, served and/or sold liquor to an apparently intoxicated person on the
15 licensed premises, and/or allowed an apparently intoxicated person(s) to consume liquor on the
16 licensed premises, contrary to RCW 66.44.200(1) and/or WAC 314-16-150.

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

20 6. The Licensee agrees to pay a monetary penalty of three hundred and fifty
21 dollars (\$350) for the above-referenced violation. This amount shall be paid in full within
22 thirty (30) days of the date of the final order of the Board, no later than 4:00 p.m. on the
23 applicable date. Payments shall be sent to:

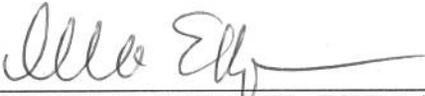
24 **Washington State Liquor Control Board**
25 **ATTN: Enforcement**
PO Box 43085
26 **Olympia, WA 98504-3085**

1 7. In the event that the Licensee fails to pay the full monetary penalty within thirty
2 (30) days of the final order of the Board, as set out and required by Section II, Part 6, the
3 Licensee shall be subject to a five (5) day suspension of his liquor license, the dates and times
4 of suspension to be determined by the Board.

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

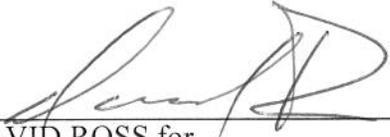
6 9. The undersigned parties declare that the terms of this Settlement Agreement are
7 completely read, wholly understood, and voluntarily accepted for the purpose of making a full
8 and final compromise and settlement of any and all claims arising from the above-referenced
9 Complaint.

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

10/23/2013

DATE

16 
17 _____
18 DAVID ROSS for
19 DER, LLC d/b/a THE ZOO, Licensee

10-12-13

DATE



Washington State
Liquor Control Board

December 3, 2013

David Ross, Licensee
Der, LLC
d/b/a The Zoo
9310 NE 76th Street
Vancouver, WA 98662-3721

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: Der LLC
TRADE NAME: The Zoo
LOCATION: 9310 NE 76th Street, Vancouver, WA 98662-3721
LICENSE NO. 364096
ADMINISTRATIVE VIOLATION NOTICE NO. 1J3068A
LCB HEARING NOS. 24,738
OAH NO. 2013-LCB-0029
UBI: 603-091-657-001-0001

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 4:00 p.m. on Thursday, January 23, 2014 until 4:00 p.m. on Tuesday, January 28, 2014.** If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kevin McCarroll'.

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Tacoma and Vancouver Enforcement and Education Division, WSLCB
Jamie Marshall, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,738

DER, LLC
d/b/a THE ZOO
9310 NE 76TH STREET
VANCOUVER, WA 98662-3721

DECLARATION OF SERVICE BY
MAIL

LICENSEE

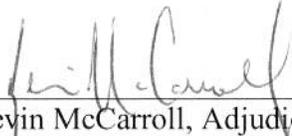
LICENSE NO. 364096
AVN NO. 1J3068A

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:

DAVID ROSS, LICENSEE
DER, LLC
d/b/a THE ZOO
9310 NE 76TH STREET
VANCOUVER, WA 98662-3721

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

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


Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL