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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

2218 WESTERN, LLC d/b/a
FOUNDATION NIGHTCLUB

2218 WESTERN AVE
SEATTLE, WA 98121-1612

LICENSE NO. 082071
AVN NO. 2C3068B

LCB NO. 24,739

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 ISAAC WILLIAMSON, Assistant Attorney General, and 2218 WESTERN, LLC d/b/a FOUNDATION NIGHTCLUB (Licensee), by and through RODGER KOHN, attorney for the Licensee, and the parties having voluntarily entered into a stipulated settlement agreement for case number 24,739, 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 Stipulated Settlement Agreement in the above captioned case is adopted in its entirety; and the AVN for Case Number 24,739 is sustained.

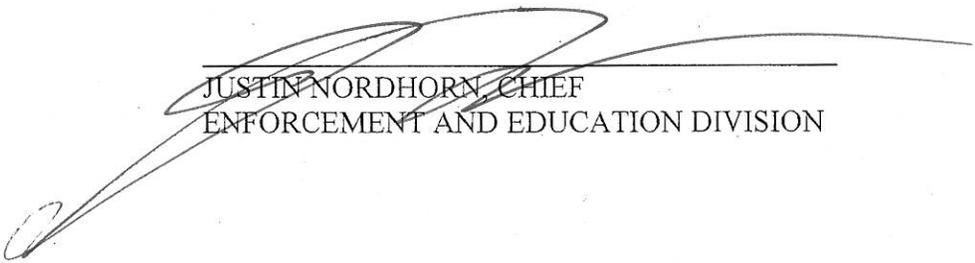
1 Licensee shall pay three hundred dollars (\$300) no later than thirty (30) days after the date of
2 the Final Order of the Board. **The payment shall be sent to:**

3 **Washington State Liquor Control Board**
4 **P.O. Box 43085**
5 **Olympia, WA 98504-3085**

6 In the event that the Licensee fails to make full and timely payment of the three
7 hundred dollar (\$300) monetary penalty, a five (5) day suspension of the Licensee's liquor
8 license will go into effect, the dates and time of which shall be set by the Washington State
9 Liquor Control Board.

10 DATED this 05 day of DECEMBER, 2013.

11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 
13 JUSTIN NORDHORN, CHIEF
14 ENFORCEMENT AND EDUCATION DIVISION

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

2218 WESTERN, LLC d/b/a
FOUNDATION NIGHTCLUB

2218 WESTERN AVE
SEATTLE, WA 98121-1612

LICENSE NO. 082071
AVN NO. 2C3068B

LCB NO. 24,739

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 ISAAC WILLIAMSON, Assistant Attorney General, and 2218 WESTERN, LLC d/b/a FOUNDATION NIGHTCLUB (Licensee), by and through RODGER KOHN, attorney for the Licensee, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) Case Number 24,739.

I. INTRODUCTION

The Washington State Liquor Control Board Enforcement 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 July 15, 2013:

On or about March 9, 2013, the above-named Licensee, or employee(s) thereof, served and/or sold liquor NOT by the individual drink, contrary to RCW 66.24.400 and WAC 314-02-036.

STIPULATED SETTLEMENT
AGREEMENT

LCB NO. 24,739

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

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

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

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

12 4. The Licensee stipulates to the violation set forth above and referenced in the
13 complaint. Specifically, on or about March 9, 2013, the above-named Licensee, or employee(s)
14 thereof, served and/or sold liquor NOT by the individual drink, contrary to RCW 66.24.400
15 and WAC 314-02-036.

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

20 6. The Licensee agrees to pay a monetary penalty of three hundred dollars (\$300)
21 for the above-referenced violation.

22 7. The Licensee shall pay the monetary penalty of three hundred dollars (\$300) no
23 later than thirty (30) days after the date of the Final Order of the Board. Payment shall be
24 sent to:

25 **Washington State Liquor Control Board**
26 **P.O. Box 43085**
Olympia, WA 98504-3085

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8. In the event that the Licensee fails to make full and timely payment of the monetary penalty as required in Section II, Paragraph 7, the Licensee shall serve the standard penalty of a five (5) day suspension of its liquor license, the dates and times of which shall be set by the Washington State Liquor Control Board.

9. 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

12/2/13
DATE



RODGER KOHN, WSBA #24675
Attorney for the Licensee

11/25/13
DATE



IAN JURGENSEN, Representative for
2218 WESTERN, LLC d/b/a FOUNDATION
NIGHTCLUB, Licensee

11/25/13
DATE



Washington State
Liquor Control Board

December 9, 2013

Rodger Kohn,
Attorney for Licensee
Tousley Brain Stephens PLLC
1700 7th Ave Ste 2200
Seattle, WA 98101-4416

Ian Jurgensen, Licensee
2218 Western LLC
d/b/a Foundation Nightclub
2218 Western Ave
Seattle, WA 98121-1612

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: 2218 Western LLC
TRADE NAME: Foundation Nightclub
LOCATION: 2218 Western Ave, Seattle, WA 98121
LICENSE NO. 082071-2C
ADMINISTRATIVE VIOLATION NOTICE NO. 2C3068B
LCB HEARING NO. 24,739
UBI: 602-521-177-001-0001

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 Wednesday, January 8, 2014. If payment is not received timely, then suspension will take place from 9:00 p.m. on Thursday, January 23, 2014 until 9:00 p.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: Federal Way and Mount Lake Terrace Enforcement and Education Divisions, WSLCB
Jamie Marshall, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 24,739

2218 WESTERN LLC
d/b/a FOUNDATION NIGHTCLUB
2218 WESTERN AVE
SEATTLE, WA 98121-1612

DECLARATION OF SERVICE BY
MAIL

LICENSEE

LICENSE NO. 082071
AVN NO. 2C3068B

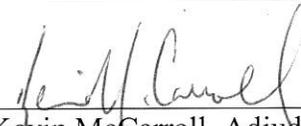
I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for applicants and licensees, by campus mail for state offices, on the date below to:

RODGER KOHN,
ATTORNEY FOR LICENSEE
TOUSLEY BRAIN STEPHENS PLLC
1700 7TH AVE STE 2200
SEATTLE, WA 98101-4416

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

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

DATED this 9th day of December, 2013, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator