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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

DADDYS' MONEY, INC. D/B/A
ELEMENT

656 SE BAYSHORE DR STE 1
OAK HARBOR, WA 98277-5739

LICENSE NO. 402149
AVN NO. 3D2289A
AVN NO. 3U2364B

LCB NO. 24,757; and
LCB NO. 24,758

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) represented by its attorneys, ROBERT W. FERGUSON, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General and DADDYS' MONEY, INC. d/b/a ELEMENT, Licensee, and the Board having considered the Stipulated Settlement Agreement and Enforcement's memorandum recommending acceptance of the 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. 3D2289A, to wit: That on or about October 13, 2012, the above-named Licensee or employee(s) thereof allowed a person(s) under the age of twenty-one (21) to enter and/or remain in an area of the licensed

1 premises classified by the board as off-limits to person(s) under the age of twenty-one (21), in
2 violation of RCW 66.44.310(1)(a), is sustained.

3 IT IS FURTHER ORDERED that the allegations set forth in AVN No. 3U2364B, to
4 wit: That on or about December 30, 2012, the Licensee or employee(s) thereof served and/or
5 sold liquor to an apparently intoxicated person on the licensed premises, and/or allowed an
6 apparently intoxicated person(s) to consume liquor on the licensed premises, contrary to RCW
7 66.44.200 and WAC 314-16-150; and that the above-named Licensee failed to ensure an
8 employee possessed and maintained a current and valid class 12 or 13 permit contrary to WAC
9 314-17-025, WAC 314-17-030, and WAC 314-11-015; are sustained.

10 IT IS FURTHER ORDERED that the Licensee shall surrender its liquor license
11 No. 402149 within thirty (30) days of the entry of this Final Order, in lieu of payment of a
12 monetary penalty or suspension of the liquor license.

13 DATED this 4th day of SEPTEMBER, 2013.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

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AUG 28 2013

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

DADDYS' MONEY, INC. D/B/A
ELEMENT

656 SE BAYSHORE DR STE 1
OAK HARBOR, WA 98277-5739

LICENSE NO. 402149
AVN NO. 3D2289A
AVN NO. 3U2364B

LCB NO. 24,757; AND ALSO,
LCB NO. 24,758

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys ROBERT FERGUSON, Attorney General and TIMOTHY D. FORD, Assistant Attorney General and the Licensee DADDYS' MONEY, INC. D/B/A ELEMENT hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. 24,757 and also No. 24,758.

I. INTRODUCTION

The Washington State Liquor Control Board, Enforcement and Education Division charged the above-named Licensee, in two separate Administrative Violation Notices (AVN) with the following two alleged violations of the Washington State Liquor Control Board rules and regulations:

1 AVN No. 3D2289A

2 On or about October 13, 2012, the above-named Licensee or employee(s) allowed
3 person(s) to enter and/or remain in the licensed premises classified by the board as off-limits to
4 person(s) under the age of twenty-one years in violation of RCW 66.44.310(1)(a).

5 AVN No. 3U2364B

6 On or about December 30, 2012, the above-named Licensee or employee(s) served
7 and/or sold liquor to an apparently intoxicated person on the licensed premises, and/or allowed
8 an apparently intoxicated person(s) to consume liquor on the licensed premises, contrary to
9 RCW 66.44.200 and WAC 314-16-150; and also the above-named Licensee failed to ensure an
10 employee possessed and maintained a current and valid class 12 or 13 permit contrary to WAC
11 314-17-025, WAC 314-17-030, and WAC 314-11-015.

12 Enforcement and the Licensee wish to enter into a settlement agreement concerning
13 both above-referenced AVNs.

14 **II. AGREEMENT OF THE PARTIES**

15 Enforcement and the Licensee agree to the following:

16 1. Enforcement and the Licensee enter into this agreement to avoid the time and
17 expense of further litigation. The Licensee explicitly waives the right of further administrative
18 review of all matters related to the above-referenced violations and AVNs. The Licensee
19 hereby voluntarily withdraws the request for a hearing in both matters.

20 2. This agreement constitutes the final written expression of all the terms of this
21 agreement and is a complete and exclusive statement of these terms.

22 3. The Licensee admits the violation set forth in AVN 3D2289A that on or about
23 October 13, 2012, the above-named Licensee or employee(s) allowed person(s) to enter and/or
24 remain in the licensed premises classified by the board as off-limits to person(s) under the age
25 of twenty-one years in violation of RCW 66.44.310(1)(a). The Licensee also admits the
26 violations set forth in AVN 3U2364B that on or about December 30, 2012, the above-named

1 Licensee or employee(s) served and/or sold liquor to an apparently intoxicated person on the
2 licensed premises, and/or allowed an apparently intoxicated person(s) to consume liquor on the
3 licensed premises, contrary to RCW 66.44.200 and WAC 314-16-150; and also the above-
4 named Licensee failed to ensure an employee possessed and maintained a current and valid
5 class 12 or 13 permit contrary to WAC 314-17-025, WAC 314-17-030, and WAC 314-11-015.

6 4. The Licensee acknowledges that allowing minors in a restricted area is the
7 Licensee's first violation of this type within a twenty four month period, which carries a standard
8 of either a five day (5) suspension of the license or a five hundred dollar (\$500) monetary penalty.
9 The Licensee acknowledges that allowing an employee to serve liquor on an expired MAST
10 permit is the Licensee's first violation of this type within a twenty four month period, which
11 carries a standard of either a five day (5) suspension of the license or a five hundred dollar (\$500)
12 monetary penalty. The Licensee acknowledges that allowing an apparently intoxicated person to
13 purchase, possess, or consume liquor is the Licensee's third violation in a two year period which
14 carries a standard penalty of a thirty day (30) suspension of the license.

15 5. The Licensee has not renewed the liquor licensee and has surrendered the
16 license to the Liquor Control Board. In return for stipulating to all the violations as alleged in
17 AVN 3D2289A and AVN 3U2364B and for the nonrenewal and surrender of the license
18 enforcement agrees the Licensee shall pay no monetary penalty or serve any further license
19 suspension.

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

24 7. The parties recognize that this settlement agreement is subject to approval by
25 the Washington State Liquor Control Board.
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STIPULATED AND AGREED this 15 day of August 2013.

Mike Kummerfeldt

MIKE KUMMERFELDT, Owner of Licensee
DADDYS' MONEY, INC. D/B/A
ELEMENT

ROBERT FERGUSON
Attorney General

Timothy D. Ford WSBA No. 41767

TIMOTHY D. FORD, WSBA #29254
Assistant Attorney General
Attorneys for Washington State
Liquor Control Board Education and
Enforcement Division

Marisa E Broggel



Washington State
Liquor Control Board

September 4, 2013

Mike Kummerfeldt
Daddy's Money Inc.
d/b/a Element
656 SE Bayshore Dr Ste 1
Oak Harbor, WA 98277-5739

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: Daddy's Money Inc.
TRADE NAME: Element
LOCATION: 656 SE Bayshore Dr Ste 1, Oak Harbor, WA 98277-5739
LICENSE NO. 402149-3D
ADMINISTRATIVE VIOLATION NOTICE NOS. 3D2289A and 3U2364B
LCB HEARING NO. 24,757 and 24,758
UBI: 602-747-753-001-0001

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 license shall be surrendered by Friday, October 4, 2013.**

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

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 NOS. 24,757
24,758

DADDY'S MONEY INC.
d/b/a ELEMENT
656 SE BAYSHORE DR STE 1
OAK HARBOR, WA 98277-5739

DECLARATION OF SERVICE BY
MAIL

LICENSEE

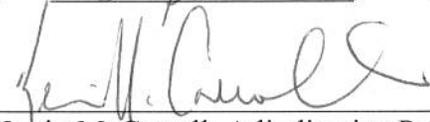
LICENSE NO. 402149
AVN NOS. 4D2289A and 4D2364B

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:

DADDY'S MONEY INC.
d/b/a ELEMENT
656 SE BAYSHORE DR STE 1
OAK HARBOR, WA 98277-5739

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

DATED this 4th day of September, 2013, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator