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**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

NO. 24,798

ROSENDO MAGANA  
d/b/a DARK HORSE INN  
1400 YAKIMA VALLEY HIGHWAY  
SUNNYSIDE, WA 98944

FINAL ORDER OF THE BOARD

~~[PROPOSED]~~

LICENSEE

License No. 355725  
AVN NO. 4D3167A

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 ROSENDO MAGANA d/b/a DARK HORSE INN (Licensee) by and through ALBERT LIN, attorney, and the parties having voluntarily entered into a stipulated settlement agreement for case number 24,798, 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:

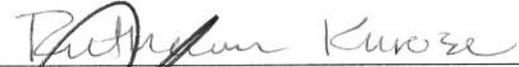
IT IS HEREBY ORDERED that the Stipulated Settlement Agreement in the above captioned case is adopted in its entirety; and the AVN for Case Number 24,798 is sustained.

1 Licensee shall serve a five (5) day suspension of its liquor license, to begin at 11 a.m. on  
2 Tuesday, April 15, 2014, and ending at 11 a.m. on Sunday, April 20, 2014.

3  
4 DATED this 18<sup>th</sup> day of MARCH, 2014.

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6 WASHINGTON STATE LIQUOR CONTROL BOARD

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26 DARK HORSE INN  
LICENSE NO. 355725  
LCB NO. 24,798

FINAL ORDER OF THE BOARD

RECEIVED

MAR 17 2014

Liquor Control Board  
Board Administration

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

8 IN THE MATTER OF:

NO. 24,798

9 ROSENDO MAGANA  
10 d/b/a DARK HORSE INN  
11 1400 YAKIMA VALLEY HIGHWAY  
12 SUNNYSIDE, WA 98944

STIPULATED  
SETTLEMENT AGREEMENT

LICENSEE

13 License No. 355725  
14 AVN NO. 4D3167A

15 The Washington State Liquor Control Board Education and Enforcement Division  
16 (Enforcement), by and through its attorneys, ROBERT W. FERGUSON, Attorney General,  
17 and ISAAC WILLIAMSON, Assistant Attorney General, and ROSENDO MAGANA d/b/a  
18 DARK HORSE INN (Licensee) by and through ALBERT LIN, attorney, hereby enter into this  
19 stipulated settlement agreement for Liquor Control Board (LCB) Case Number 24,798.

20 **I. INTRODUCTION**

21 The Washington State Liquor Control Board Enforcement Division issued AVN  
22 No. 4D3167A to the Licensee, alleging that on or about June 16, 2013, the above-named  
23 Licensee or employee(s) thereof allowed an apparently intoxicated person to possess and/or  
24 consume liquor on the licensed premises, contrary to WAC 314.16.150.

25 **II. AGREEMENT OF THE PARTIES**

26 Prior to the filing of an administrative complaint, the parties have agreed to resolve  
AVN No. 4D3167A 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. 4D3167A.  
9 Specifically, on or about June 16, 2013, the above-named Licensee or employee(s) thereof,  
10 gave, sold, or otherwise supplied alcohol to an apparently intoxicated person, contrary to WAC  
11 314.16.150.

12 5. The Licensee acknowledges that the above referenced violation is the  
13 Licensee's second violation of this type within a twenty-four (24) month period, for which the  
14 standard penalty is suspension of the Licensee's liquor license for seven (7) days.

15 6. The Licensee agrees to serve a five (5) day suspension of its liquor license, to be  
16 begin at 11 a.m. on Tuesday, April 15, 2014, and ending at 11 a.m. on Sunday, April 20, 2014.

17 7. The Licensee further agrees that all of its employees will participate in a  
18 responsible liquor and tobacco sales class provided by Enforcement no later than sixty (60)  
19 days after the date of the Final Order of the Board. The Licensee is responsible for  
20 coordinating the date, time, and location of the training class through its assigned Liquor  
21 Enforcement Officer.

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1           8.       The parties recognize that this settlement agreement is subject to approval by  
2 the Washington State Liquor Control Board.

3  
4                   STIPULATED AND AGREED TO BY:

5  
6 ROBERT W. FERGUSON  
7 Attorney General

8   
9 \_\_\_\_\_  
10 ISAAC WILLIAMSON, WSBA #43921  
11 Assistant Attorney General  
12 Attorney for Washington State  
13 Liquor Control Board Education and  
14 Enforcement Division

3/11/14  
\_\_\_\_\_  
DATE

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16 \_\_\_\_\_  
17 ALBERT LIN, WSBA #28066  
18 Attorney for Licensee  
19 ROSENDO MAGANA  
20 d/b/a DARK HORSE INN

3/5/14  
\_\_\_\_\_  
DATE

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22 \_\_\_\_\_  
23 ROSENDO MAGANA  
24 d/b/a DARK HORSE INN, Licensee

3/5/14  
\_\_\_\_\_  
DATE



**Washington State  
Liquor Control Board**

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March 19, 2014

Albert H. Lin Attorney at Law PLLC  
1030 N Center Pkwy Ste 118  
Kennewick, WA 99336-7160

Rosendo Magana  
d/b/a Dark Horse Inn  
417 S 6<sup>th</sup> St  
Sunnyside, WA 98944-1411

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: Rosendo Magana**  
**TRADE NAME: Dark Horse Inn**  
**LOCATION: 1400 Yakima Valley Hwy, Sunnyside, WA, 98944-1235**  
**LICENSE NO. 355725**  
**ADMINISTRATIVE VIOLATION NOTICE NO. 4D3167A**  
**LCB HEARING NO. 24,798**  
**UBI: 601-616-231-001-0002**

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. 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: Spokane and Pasco Enforcement and Education Divisions, WSLCB  
Jamie Marshall, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ROSENDO MAGANA  
d/b/a DARK HORSE INN  
1400 YAKIMA VALLEY HWY  
SUNNYSIDE, WA, 98944-1235

LICENSEE

LICENSE NO. 355725  
AVN NO. 4D3167A

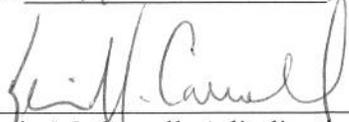
LCB NO. 24,798

DECLARATION OF SERVICE BY  
MAIL

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:

ALBERT H. LIN ATTORNEY AT LAW PLLC 1030 N CENTER PKWY STE 118 KENNEWICK, WA 99336-7160	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION ISAAC WILLIAMSON, ASSISTANT ATTORNEY GENERAL
ROSENDO MAGANA d/b/a DARK HORSE INN 417 S 6 <sup>TH</sup> ST SUNNYSIDE, WA 98944-1411	

DATED this 19<sup>th</sup> day of March, 2014, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator