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

8 IN THE MATTER OF:

9 DRAGONSLAYER, INC.
10 d/b/a NEW PHOENIX
11 225 W 4th St,
12 LA CENTER, WA 98629-1900

LICENSEE

13 LICENSE NO. 076519
AVN NO. 1J4023A

LCB NO. L-25,006
OAH NO. 2014-LCB-0115

FINAL ORDER OF THE BOARD

~~[PROPOSED]~~

14 THIS MATTER having come before the Washington State Liquor Control Board
15 (Board) and the Washington State Liquor Control Board Education and Enforcement Division
16 (Enforcement) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and
17 ARYNA ANDERSON, Assistant Attorney General, and DRAGONSLAYER, INC.
18 d/b/a NEW PHOENIX (Licensee) by and through its attorney, THOMAS RASK, III, and the
19 parties having voluntarily entered into a stipulated settlement agreement for case number
20 L-25,006, and the Board having considered the Stipulated Settlement Agreement and
21 Enforcement's Memorandum recommending acceptance of the Stipulated Settlement
22 Agreement, and the Board having had the opportunity to review the file materials maintained
23 in this case, now therefore:

24 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement in the above
25 captioned case is adopted in its entirety; and the Administrative Violation Notice (AVN) for
26 Case Number L-25,006 is sustained. Licensee shall pay three hundred dollars (\$300.00) no

1 later than thirty (30) days after the date of the Final Order of the Board. **The payments shall**
2 **be sent to:**

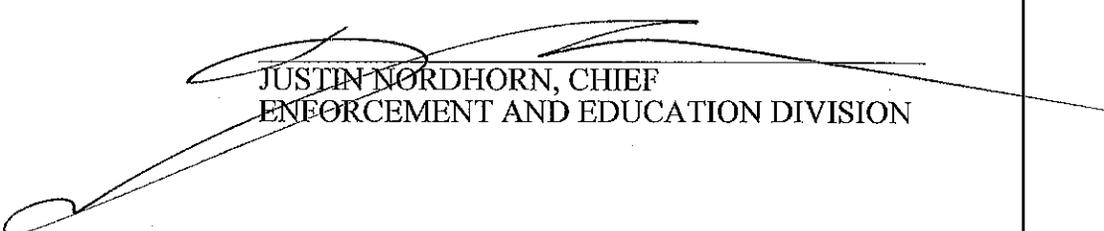
3 **Washington State Liquor Control Board**
4 **P.O. Box 43085**
5 **Olympia, WA 98504-3085**

6 In the event that the Licensee fails to make full and timely payment of the three-
7 hundred dollar (\$300.00) 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 The Licensee shall have all its employees complete training presented by Enforcement
11 within three months of the date of the Final Order of the Board, the date and time to be
12 mutually agreed upon by the parties.

13 DATED this 09 day of FEBRUARY, 2015.

14 WASHINGTON STATE LIQUOR CONTROL BOARD

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17 JUSTIN NORDHORN, CHIEF
18 ENFORCEMENT AND EDUCATION DIVISION
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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. L-24⁵,006

DRAGONSLAYER, INC.
d/b/a NEW PHOENIX
225 W 4th St,
LA CENTER, WA 98629-1900

STIPULATED
SETTLEMENT AGREEMENT

LICENSEE

LICENSE NO. 076519
AVN NO. 1J4023A

The Washington State Liquor Control Board's Enforcement and Education Division (Enforcement), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and ARYNA ANDERSON, Assistant Attorney General, and DRAGONSLAYER, INC. d/b/a NEW PHOENIX (Licensee) by and through its attorney, THOMAS R. RASK, III, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case number L-24⁵,006.

I. INTRODUCTION

The Washington State Liquor Control Board, Enforcement and Education Division issued administrative violation notice (AVN) 1J4023A to the Licensee alleging that on or about November 22, 2013, the Licensee or employee(s) thereof permitted a disorderly person or persons to remain on the licensed premises and/or allowed conduct that presented a threat to public safety on the licensed premises, contrary to WAC 314-11-015(3)(b) and/or WAC 314-11-015(3)(c).

1 **II. AGREEMENT OF THE PARTIES**

2 Enforcement and the Licensee agree to the following:

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

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

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

10 4. The Licensee agrees that there is likelihood that the reviewing judicial officer/
11 factfinder could find sufficient evidence to support a finding that violation occurred as set forth
12 in AVN 1J4023A, specifically that on or about November 22, 2013, the Licensee or
13 employee(s) thereof permitted a disorderly person or persons to remain on the licensed
14 premises and/or allowed conduct that presented a threat to public safety on the licensed
15 premises, contrary to WAC 314-11-015(3)(b) and/or WAC 314-11-015(3)(c). Notwith-
16 standing any statement contained in this paragraph 4, the parties agree that this Agreement
17 shall not be considered an admission of civil fault or liability on the part of the Licensee and
18 shall not be admissible in any civil superior court proceeding as an admission of any civil fault
19 or liability by Licensee.

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

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1 6. The Licensee agrees to pay a monetary penalty of three hundred dollars (\$300)
2 within thirty (30) days of the date of the Final Order of the Board, no later than 4:00 p.m. on
3 the applicable date, for the violations stipulated to in Section II, Paragraph 4. **Payment shall**
4 **be sent to:**

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

8 7. In the event that the Licensee fails to make the full payment of the monetary
9 penalty on time, as set out and required by Section II, Paragraph 6, the Licensee shall be
10 subject to a five (5) day suspension of its liquor license, the date and time of suspension to be
11 set by the Board.

12 8. The Licensee agrees to have all employees complete training presented by
13 Enforcement within three (3) months of the date of the Final Order of the Board, the date and
14 time to be mutually agreed upon by the parties.

15 9. The parties recognize that this settlement agreement is subject to approval by
16 the Washington State Liquor Control Board.

17 STIPULATED AND AGREED TO by:

18 ROBERT W. FERGUSON
19 Attorney General

20 _____
21 ARYNA ANDERSON, WSBA #42344
22 Assistant Attorney General
23 Attorneys for Washington State
24 Liquor Control Board Education and
25 Enforcement Division

DATE: 2/4/2015

26 _____
27 THOMAS R. RASK, III, WSBA #39212
28 Attorney for DRAGONSLAYER, INC.
29 d/b/a NEW PHOENIX, Licensee

DATE: January 30, 2015



Washington State
Liquor Control Board

February 10, 2015

Thomas Raymond Rask III,
Attorney for Licensee
Kell Alterman & Runstein LLP
520 SW Yamhill St Ste 600
Portland, OR 97204-1329

Aryna Anderson, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

Dragonslayer Inc, Licensee
d/b/a New Phoenix
P O Box 1990
La Center, WA 98629-1990

RE: FINAL ORDER OF THE BOARD
LICENSEE: Dragonslayer, Inc.
TRADE NAME: New Phoenix
LOCATION: 225 W 4th St, La Center, WA 98629
LICENSE NO. 076519-1J
ADMINISTRATIVE VIOLATION NOTICE NO. 1J4023A
LCB HEARING NO. L-25,006
OAH NO. 2014-LCB-0115
UBI: 601-254-267-001-0001

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 March 13, 2015.** The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Violation Notice Number listed above.

If payment is not received timely, then suspension will take place from 1:00 p.m. on Friday, March 27, 2015 until 1:00 p.m. on Wednesday, April 1, 2015. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Tacoma and Vancouver Enforcement and Education Divisions, WSLCB
Lisa Red, Enforcement and Education Division Headquarters, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

DRAGONSLAYER, INC.
d/b/a NEW PHOENIX
225 W 4TH ST
LA CENTER, WA 98629-5427

LICENSEE

LICENSE NO. 076519
AVN NO. 1J4023A

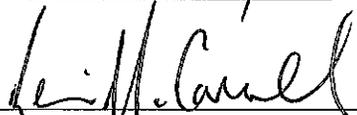
LCB NO. L-25,006
OAH NO. 2014-LCB-0115

DECLARATION OF SERVICE BY
MAIL

I certify that I caused a copy of the STIPULATED SETTLEMENT AGREEMENT 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 electronic mail for WSLCB offices, and Campus Mail via Consolidated Mail Services for state offices on the date below to:

THOMAS RAYMOND RASK III ATTORNEY FOR LICENSEE KELL ALTERMAN & RUNSTEIN LLP 520 SW YAMHILL ST STE 600 PORTLAND, OR 97204-1329	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION ARYNA ANDERSON, ASSISTANT ATTORNEY GENERAL
DRAGON SLAYER, INC. d/b/a NEW PHOENIX P O BOX 1990 LA CENTER, WA 98629-1990	DRAGONSLAYER, INC. d/b/a NEW PHOENIX 225 W 4 TH ST LA CENTER, WA 98629-5427

DATED this 10th day of February, 2015 at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator