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Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. L-25,384

RUDY'S PIZZERIA, INC.
d/b/a RUDY'S PIZZERIA

STIPULATED
SETTLEMENT AGREEMENT

1232 N. STATE ST.,
BELLINGHAM, WA 98225-5016

LICENSEE

LICENSE NO. 401910
AVN NO. 3B4220A

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 RUDY'S PIZZERIA, INC. d/b/a RUDY'S PIZZERIA (Licensee) by and through its attorney, PETER R. DWORKIN, hereby enter into this stipulated settlement agreement for Liquor Control Board (LCB) case number L-25,384 (the "Alleged Violation").

I. INTRODUCTION

The Washington State Liquor Control Board, Enforcement and Education Division issued administrative violation notice (AVN) 3B4220A to the Licensee alleging that on or about May 26, 2014, the Licensee or employee(s) thereof gave, sold, supplied, and/or served liquor to an apparently intoxicated person or persons on the licensed premises and/or permitted an apparently intoxicated person or persons to possess or consume liquor on the licensed premises, contrary to RCW 66.44.200, WAC 314-11-035 and WAC 314-16-150.

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

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

8 9. The Licensee agrees to promptly adopt and implement a written policy that
9 would require the Licensee to have a designated staff member responsible for the outdoor area
10 on Thursday, Friday, and Saturday nights. The designated staff can be security or wait staff or
11 other staff member, so long as the outdoor area is monitored/walked through at least in 10-
12 minute intervals. When no staff member is designated or no staff member is available to
13 monitor the outdoor area on Thursday, Friday, and Saturday nights, the Licensee shall not
14 serve or permit consumption of alcohol there.

15 10. The Licensee agrees that if, during the 12 (twelve) months following the date of
16 the agreement, the Licensee fails to comply with any of the terms contained in Paragraphs 8
17 through 9 above, the Board may seek a five (5) day suspension of the Licensee's liquor license.
18 Furthermore, the Licensee understands that the Board reserves the right to seek an additional
19 penalty for any new violation(s), and that the Licensee has a right to a hearing on whether the
20 terms contained in Paragraphs 8 through 9 were violated.

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

3 STIPULATED AND AGREED TO by:

4 ROBERT W. FERGUSON
5 Attorney General

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8 ARYNA ANDERSON, WSBA #42344
9 Assistant Attorney General
10 Attorneys for Washington State
11 Liquor Control Board Education and
12 Enforcement Division

6/3/15
DATE

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14 PETER R. DWORKIN, WSBA #30394
15 Representative for
16 RUDY'S PIZZERIA, INC.
17 d/b/a RUDY'S PIZZERIA, Licensee

6/1/15
DATE

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

NO. L-25,384

RUDY'S PIZZERIA, INC.
d/b/a RUDY'S PIZZERIA

FINAL ORDER OF THE BOARD

1232 N. STATE ST.,
BELLINGHAM, WA 98225-5016

~~PROPOSED~~

LICENSEE

LICENSE NO. 401910
AVN NO. 3B4220A

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Enforcement and Education Division (Enforcement) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and ARYNA ANDERSON, Assistant Attorney General, and RUDY'S PIZZERIA, INC. d/b/a RUDY'S PIZZERIA (Licensee) by and through its attorney, PETER R. DWORKIN, and the parties having voluntarily entered into a stipulated settlement agreement for Case Number L-25,384, 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:

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FINAL ORDER OF THE BOARD

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

~~PROPOSED~~

1 IT IS HEREBY ORDERED:

2 (1) The Stipulated Settlement Agreement in the above captioned case is adopted in its
3 entirety; and the Administrative Violation Notice (AVN) for Case Number L-25,384 is
4 sustained. Licensee shall pay five hundred dollars (\$500.00) no later than thirty (30) days after
5 the date of the Final Order of the Board. **The payments shall be sent to:**

6 **Washington State Liquor Control Board**
7 **P.O. Box 43085**
8 **Olympia, WA 98504-3085**

9 In the event that the Licensee fails to make full and timely payment of the five-hundred
10 dollar (\$500.00) monetary penalty, a five (5) day suspension of the Licensee's liquor license
11 will go into effect, the dates and time of which shall be set by the Washington State Liquor
12 Control Board.

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

16 (3) The Licensee shall promptly adopt and implement a written policy that would
17 require the Licensee to have a designated staff member responsible for the outdoor area on
18 Thursday, Friday, and Saturday nights. The designated staff can be security or wait staff or
19 other staff member, so long as the outdoor area is monitored/walked through at least in 10-
20 minute intervals. When no staff member is designated or no staff member is available to
21 monitor the outdoor area on Thursday, Friday, and Saturday nights, the Licensee shall not
22 serve or permit consumption of alcohol there.

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25 RUDY'S PIZZERIA
26 LCB NO. L-25,384
AVN NO. 3B4220A
LICENSE NO. 401910

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(4) If, during the 12 (twelve) months following the date of the agreement, the Licensee fails to comply with any of the terms contained in Paragraphs 2 through 3 above, the Board may seek a five (5) day suspension of the Licensee's liquor license. Licensee has a right to a hearing on whether the terms contained in Paragraphs 2 or 3 were violated.

DATED this 25 day of JUNE, 2015.

WASHINGTON STATE LIQUOR CONTROL BOARD


JUSTIN NORDHORN, CHIEF
ENFORCEMENT AND EDUCATION DIVISION

RUDY'S PIZZERIA
LCB NO. L-25,384
AVN NO. 3B4220A
LICENSE NO. 401910



Washington State
Liquor Control Board

June 30, 2015

Peter R. Dworkin
Attorney for Licensee
Belcher Swanson Law Firm, P.L.L.C.
900 Dupont St
Bellingham, WA 98225-3105

Rudy's Pizzeria Inc.
d/b/a Rudy's Pizzeria
1232 N State St
Bellingham, WA 98225-5016

Aryna Anderson, 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: Rudy's Pizzeria Inc.
TRADE NAME: Rudy's Pizzeria
LOCATION: 1232 N State St, Bellingham, WA 98225-5016
LICENSE NO. 401910
ADMINISTRATIVE VIOLATION NOTICE NO. 3B4220A
LCB HEARING NO. L-25,384
UBI: 602-061-541-001-0001

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 Thursday, July 30, 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 11:00 a.m. on Thursday, August 20, 2015 until 11:00 a.m. on Tuesday, August 25, 2015. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Mt. Vernon Enforcement and Education Division, WSLCB
Kendra Boyd, Enforcement and Education Division Headquarters, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

RUDY'S PIZZERIA INC.
d/b/a RUDY'S PIZZERIA
1234 N STATE ST
BELLINGHAM, WA 98225-5016

LICENSEE

LICENSE NO. 401910
AVN NO. 3B4220A

LCB NO. L-25,384

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 electronic mail for WSLCB offices, and Campus Mail via Consolidated Mail Services for state offices on the date below to:

| | |
|---|--|
| PETER R. DWORKIN ATTORNEY FOR LICENSEE BELCHER SWANSON LAW FIRM, P.L.L.C. 900 DUPONT ST BELLINGHAM, WA 98225-3105 | OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION ARYNA ANDERSON, ASSISTANT ATTORNEY GENERAL |
| RUDY'S PIZZERIA INC. d/b/a RUDY'S PIZZERIA 1232 N STATE ST BELLINGHAM, WA 98225-5016 | |

DATED this 30th day of JUNE, 2015 at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator