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

6 IN THE MATTER OF:

NO. L-25,419

7 DFM LEAVENWORTH, LLC
8 d/b/a DAN'S FOOD MARKET

FINAL ORDER OF THE BOARD
[PROPOSED]

9 1329 US HIGHWAY 2
10 LEAVENWORTH, WA 98826

11 LICENSE NO. 354089
AVN NO. 414351A

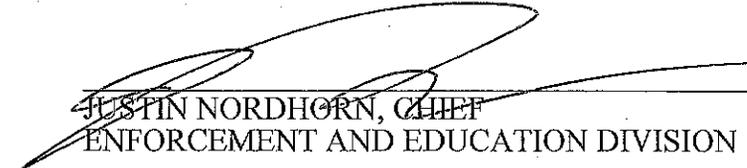
12 The above-titled matter having come before the Board upon a Stipulated Settlement
13 Agreement between the Education and Enforcement Division of the Washington State Liquor
14 Control Board and the Licensee and the Board having reviewed the Stipulated Settlement
15 Agreement:

16 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for case number
17 L-25,419 is adopted in its entirety and the AVN is sustained. Licensee shall pay a monetary
18 penalty of one hundred dollars (\$600) no later than thirty (30) days after the date of the Final
19 Order of the Board. **All payments shall be sent to:**

20 **Washington State Liquor Control Board**
21 **PO Box 43085**
22 **Olympia, WA 98504-3085**

23 DATED this 05 day of May, 2015.

24 WASHINGTON STATE LIQUOR CONTROL BOARD

25 
26 JUSTIN NORDHORN, CHIEF
ENFORCEMENT AND EDUCATION DIVISION

RECEIVED

APR 28 2015

Liquor Control Board
Board Administration

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9 IN THE MATTER OF:

NO. L-25,419

10 DFM LEAVENWORTH, LLC
d/b/a DAN'S FOOD MARKET

STIPULATED SETTLEMENT
AGREEMENT

11 1329 US HIGHWAY 2
12 LEAVENWORTH, WA 98826

13 LICENSE NO. 354089
AVN NO. 414351A

14 The Washington State Liquor Control Board Education and Enforcement Division
15 (Enforcement) represented by its attorneys ROBERT W. FERGUSON, Attorney General, and
16 SUSIE GILES-KLEIN, Assistant Attorney General, and the Licensee DFM LEAVENWORTH
17 d/b/a DAN'S FOOD MARKET, hereby enter into this stipulated settlement agreement for
18 Liquor Control Board Case No. L-25,419.

19 **I. INTRODUCTION**

20 The Washington State Liquor Control Board, Enforcement and Education Division
21 charged the above-named Licensee in Administrative Violation Notice ("AVN") No. 414351A
22 with the following alleged violation of the Washington State Liquor Control Board rules and
23 regulations:

24 On or about December 17, 2014, the above-named Licensee, or employee(s) thereof,
25 unlawfully sold, gave, or otherwise supplied liquor to a person under the age of
26

STIPULATED SETTLEMENT
AGREEMENT

LCB NO. L-25,419

1

ORIGINAL

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

1 twenty-one (21) and/or permitted a person under that age to consume liquor on the licensed
2 premises, contrary to RCW 66.44.270(1).

3 Enforcement and the Licensee wish to enter into a settlement agreement concerning the
4 above-referenced AVN.

5 **II. AGREEMENT OF THE PARTIES**

6 Enforcement and the Licensee agree to the following:

7 1. Enforcement and the Licensee enter into this agreement to avoid the time and
8 expense of further litigation.

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

12 3. This agreement constitutes the final written expression of all the terms of this
13 agreement and is a complete and exclusive statement of these terms.

14 4. The Licensee stipulates to the violation set forth above and referenced in the
15 AVN, specifically: On or about December 17, 2014, the above-named Licensee, or
16 employee(s) thereof, unlawfully sold, gave, or otherwise supplied liquor to a person under the
17 age of twenty-one (21) and/or permitted a person under that age to consume liquor on the
18 licensed premises, contrary to RCW 66.44.270(1).

19 5. The Licensee acknowledges this is the Licensee's first violation of this type
20 within a twenty-four (24) month period. As Licensee was not a member of the Responsible
21 Vendor Program when the violation occurred, the standard penalty is one thousand dollars
22 (\$1,000.00) or a ten (10) day suspension of the license.

23 6. In consideration of the Licensee's agreement not to pursue further
24 administrative review, the Washington State Liquor Control Board (the "Board") agrees to
25 reduce the monetary penalty to \$600. This amount shall be paid within thirty (30) days of the
26

1 date of the final order of the Board. Payment shall be made no later than 4:00 p.m. on the
2 applicable date and sent to:

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

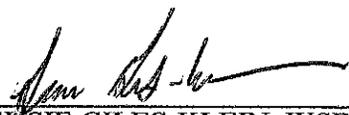
5 7. In the event the Licensee fails to make full and timely payment of the monetary
6 penalty as required in Section II, Paragraph 6, the Licensee shall serve the standard penalty of a
7 five (5) day suspension of its liquor license, the dates and times of which shall be set by the
8 Board.

9 8. The undersigned parties declare that the terms of this Settlement Agreement are
10 completely read, wholly understood, and voluntarily accepted for the purpose of making a full
11 and final compromise and settlement of any and all claims arising from the above referenced
12 AVN.

13 9. The parties recognize that this settlement agreement is subject to approval by
14 the Board.

15 STIPULATED AND AGREED TO BY:

17 ROBERT W. FERGUSON
18 Attorney General

19 
20 _____
21 SUSIE GILES-KLEIN, WSBA #46608
22 Assistant Attorney General
23 Attorneys for Washington State
24 Liquor Control Board Enforcement and
25 Education Division

4/24/2015

DATE

24 
25 _____
26 WESTON WORTHEN, representative for
DFM LEAVENWORTH, LLC d/b/a
DAN'S FOOD MARKET, Licensee

4-16-15

DATE



Washington State
Liquor Control Board

May 7, 2015

Weston Worthen
DFM Leavenworth LLC
d/b/a Dan's Food Market
1329 US Highway 2
Leavenworth, WA 98826-1456

Susie Giles-Klein, 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: DFM Leavenworth LLC
TRADE NAME: Dan's Food Market
LOCATION: 1329 US Highway 2, Leavenworth, WA 98826-1456
LICENSE NO. 354089
ADMINISTRATIVE VIOLATION NOTICE NO. 4I4351A
LCB HEARING NO. L-25,419
UBI: 603 179 911 001 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 of \$600.00 was received on April 22, 2015**

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures

cc: Spokane and Wenatchee Enforcement and Education Divisions, WSLCB
Kendra Boyd, Enforcement and Education Division Headquarters, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

DFM LEAVENWORTH LLC
d/b/a DAN'S FOOD MARKET
1329 US HIGHWAY 2
LEAVENWORTH, WA 98826-1456

LICENSEE

LICENSE NO. 354089
AVN NO. 4I4351A

LCB NO. L-25,419

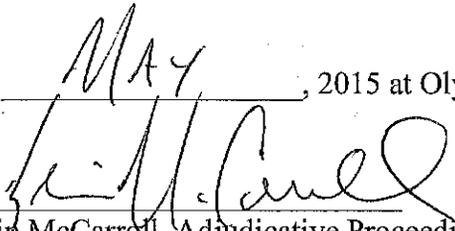
DECLARATION OF SERVICE BY
MAIL

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:

DFM LEAVENWORTH LLC
d/b/a DAN'S FOOD MARKET
1329 US HIGHWAY 2
LEAVENWORTH, WA 98826-1456

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100, GCE DIVISION
SUSIE GILES-KLEIN,
ASSISTANT ATTORNEY GENERAL

DATED this 7th day of MAY, 2015 at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator