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

6 IN THE MATTER OF:

7 SENSIBILITY, INC.
8 d/b/a SENSIBILITY

9 LICENSE APPLICATION NO.
413870

10 **APPLICANT**

OAH NO. 2014-LCB-0083
LCB NO. M-25,082

FINAL ORDER OF THE BOARD
APPROVING STIPULATED
SETTLEMENT AGREEMENT

~~PROPOSED~~

11 The above-titled matter having come before the Board upon a Stipulated Settlement
12 Agreement between the Licensing and Regulation Division of the Washington State Liquor
13 Control Board and the Applicant and the Board having reviewed the Stipulated Settlement
14 Agreement:

15 IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for Case Number
16 M-25,082 is approved.

17
18 DATED this 9 day of December, 2014.

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20 WASHINGTON STATE LIQUOR CONTROL BOARD

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FINAL ORDER OF THE BOARD
~~PROPOSED~~

SENSIBILITY, INC.
d/b/a SENSIBILITY
NO. M-25,082

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

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DEC 09 2014

Liquor Control Board
Board Administration

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SENSIBILITY, INC.
d/b/a SENSIBILITY

LICENSE APPLICATION NO.
413870

APPLICANT

OAH NO. 2014-LCB-0083
LCB NO. M-25,082

STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board Licensing and Regulation Division (“Licensing”) represented by its attorneys ROBERT W. FERGUSON, Attorney General and SUSIE GILES-KLEIN, Assistant Attorney General, and the marijuana retail license applicant SENSIBILITY, INC, through its representative ADAM SIMON, hereby enter into this stipulated settlement agreement for Liquor Control Board Case No. M-25,082.

I. INTRODUCTION

On June 19, 2014, Licensing issued a Statement of Intent to Deny Marijuana Retailer License to Sensibility, Inc., application number 413870 (“Applicant”). The Applicant requested an administrative hearing to contest the denial. Licensing and the Applicant wish to enter into a settlement agreement concerning the above-referenced application.

STIPULATED SETTLEMENT
AGREEMENT

LCB NO. M-25,082

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

ORIGINAL

1 **II. AGREEMENT OF THE PARTIES**

2 Licensing and the Applicant agree to the following:

3 1. Licensing and the Applicant enter into this agreement to avoid the time and
4 expense of further litigation. The Applicant explicitly waives the right of further
5 administrative review of all matters related to the above-referenced Statement of Intent to
6 Deny. The Applicant hereby voluntarily withdraws its request for a hearing in this matter.

7 2. This settlement constitutes the final written expression of all agreed-upon terms
8 between Licensing and the Applicant, and is a complete and exclusive statement of these
9 terms.

10 3. The Liquor Control Board awarded the City of Bremerton 2 marijuana retail
11 licenses. The Liquor Control Board received 16 applications for the 2 Bremerton licenses. To
12 fairly allocate the 2 licenses, the Liquor Control Board conducted a lottery.

13 4. After the lottery, the Liquor Control Board processed the applicants who drew
14 numbers 1 and 2.

15 5. The Board determined that the applicant who drew number 2 was not qualified
16 to receive a license. It therefore processed the applicant who drew number 3.

17 6. The Applicant's application was administratively withdrawn prior to the
18 Bremerton lottery. Had the Applicant participated in the lottery and drawn number 3 or lower,
19 it would have moved forward with the licensing process.

20 7. The Board will run another lottery using the same double-blind methodology
21 used in the initial lottery drawings. This alternate lottery will be administered by Washington
22 State University, and will be run under the same conditions and same supervision as the
23 original Bremerton lottery.

24 8. The Applicant's application will be run against 16 blanks slots, which was the
25 number of applicants in the original Bremerton lottery.
26

1 9. If the Applicant draws a number between 1 and 3, it will move forward in the
2 licensing process to determine if its application is otherwise qualified.

3 10. If, after a thorough investigation, the Applicant's application is otherwise
4 qualified, the Board will grant the Applicant a marijuana retail license for Bremerton.

5 11. If the Applicant draws a number higher than 3, its application will not be
6 processed further unless the lower numbers become ineligible for a license due to withdrawals
7 or disqualifications.

8 12. If the Applicant draws the same number as an applicant from the original lottery
9 and that number becomes eligible for further processing, then both applications will be
10 processed. Licenses will be granted to both applicants if, after a thorough investigation, they
11 are otherwise qualified.

12 13. If the Applicant's application is not reached for processing before all allotted
13 licenses are granted for Bremerton, the Board will consider it withdrawn, along with other
14 applications not reached for processing.

15 14. If the Applicant is not granted a license, it may re-apply when the Board again
16 accepts retail marijuana license applications

17 15. The alternate Bremerton lottery will be conducted sometime on or before the
18 end of 2014. The Board will promptly notify the Applicant of the results, with processing to
19 immediately follow should the Applicant draw a number between 1 and 3.

20 16. The Applicant acknowledges that nothing in this agreement shall be construed
21 to entitle the Applicant to a marijuana retail license.

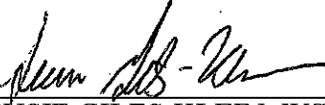
22 17. The parties recognize that this settlement agreement is subject to approval by
23 the Washington State Liquor Control Board.

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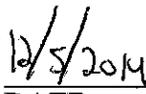
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STIPULATED AND AGREED TO by:

ROBERT W. FERGUSON
Attorney General



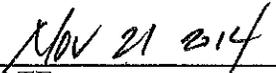
SUSIE GILES-KLEIN, WSBA #46608
Assistant Attorney General
Attorneys for Washington State
Liquor Control Board Education and
Enforcement Division



DATE



Adam Simon, Representative for
Sensibility, Inc., Applicant



DATE



Washington State
Liquor Control Board

December 10, 2014

Adam Simon
Sensibility Inc.
d/b/a Sensibility
270 S Hanford St Ste 205
Seattle, WA 98134-1940

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 APPROVING STIPULATED SETTLEMENT
AGREEMENT**

LICENSEE: Sensibility Inc.

TRADE NAME: Sensibility

LOCATION: 1107 N Callow Ave, Bremerton, WA 98312-3007

LICENSE APPLICATION NO. 413870

OAH NO. 2014-LCB-0083

LCB HEARING NO. M-25,082

UBI: 603 355 950 001 0002

Dear Parties:

Please find the enclosed Final Order of the Board Approving Stipulated Settlement Agreement and Declaration of Service by Mail in the above-referenced matter.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Randy Simmons, Deputy Director, WSLCB
Becky Smith, Marijuana Licensing Manager, WSLCB
Frank O'Dell, Marijuana Licensing Supervisor, WSLCB
Mary Henley, Marijuana Licensing Administrative Assistant, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 www.liq.wa.gov

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SENSIBILITY INC.
d/b/a SENSIBILITY
1107 N CALLOW AVE
BREMERTON, WA 98312-3007

APPLICANT

LICENSE APPLICATION NO. 413870
UBI: 603 355 950 001 0002

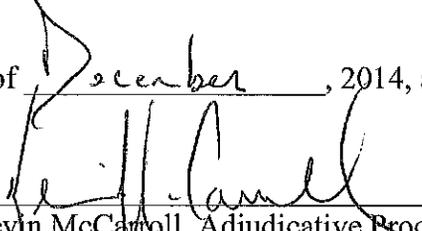
OAH NO. 2014-LCB-0083
LCB NO. M-25,082

DECLARATION OF SERVICE BY
MAIL

I certify that I caused a copy of the FINAL ORDER OF THE BOARD APPROVING 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:

ADAM SIMON SENSIBILITY INC. d/b/a SENSIBILITY 270 S HANFORD ST STE 205 SEATTLE, WA 98134-1940	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION SUSIE GILES-KLEIN, ASSISTANT ATTORNEY GENERAL
ADAM SIMON SENSIBILITY INC. d/b/a SENSIBILITY 1107 N CALLOW AVE BREMERTON, WA 98312-3007	

DATED this 10th day of December, 2014, at Olympia, Washington.


Kevin McCarron, Adjudicative Proceedings Coordinator