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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

MAIN STREAM VENTURES, LLC d/b/a
SHELL SERVICE AND FOOD MART

401 WEST MAIN ST.
DAYTON, WA 99328

LICENSEE

UBI NO. 603 042 042 001 0001
AVN NO. 4L1344A

OAH NO. 2012-LCB-0015
LCB NO. T-556

FINAL ORDER OF THE BOARD

~~[PROPOSED]~~

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 M. MCKENNA, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and the Licensee MAIN STREAM VENTURES, LLC d/b/a SHELL SERVICE AND FOOD MART (Licensee) by and through its attorney, JANELLE M. CARMAN, and the parties having voluntarily entered into a stipulated settlement agreement for Liquor Control Board (LCB) case number T-556, 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:

1 IT IS HEREBY ORDERED that the allegations set forth in AVN No. 4L1344A and
2 Enforcement's Complaint dated March 21, 2012, to wit: that on or about December 10, 2011,
3 the Licensee or employee(s) thereof gave, sold, and/or permitted to be sold and/or given,
4 tobacco to a person under the age of eighteen (18), contrary to RCW 26.28.080, is sustained.

5 IT IS FURTHER ORDERED that the Licensee's Cigarette Retailer License and
6 Tobacco Retailer License shall be suspended for a period of thirty (30) days, the dates and
7 times of which shall be determined by the Board.

8 IT IS FURTHER ORDERED that the Licensee shall pay a monetary penalty of two
9 thousand five hundred dollars (\$2,500) in lieu of an additional thirty (30) day suspension of its
10 tobacco license, within thirty (30) days of the date of this order, no later than 4:00 p.m. on the
11 applicable date. Payment shall be sent to:

12 **Washington State Liquor Control Board**
13 **Enforcement & Education Division**
14 **P.O. Box 43085**
Olympia, WA 98504-3085

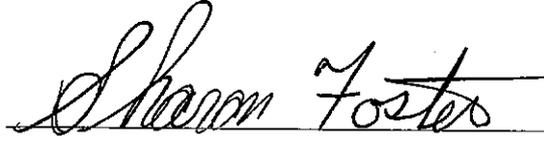
15 IT IS FURTHER ORDERED that the Licensee's Cigarette Retailer License and
16 Tobacco Retailer License is subject to an additional (4) months' suspension, which shall be
17 *suspended* on the condition that the Licensee incurs no further tobacco violations for a two (2)-
18 year period beginning on December 10, 2011.

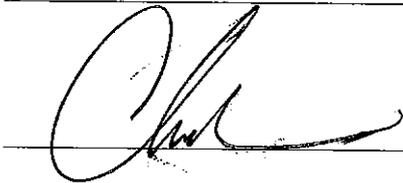
19 In the event that the Licensee does not fully and timely satisfy each of the penalties and
20 conditions set forth in this order, then the Licensee shall serve a six (6) month suspension of its
21 Cigarette Retailer License and Tobacco Retailer License, the dates and times of suspension to
22 be determined by the Board; and shall pay a monetary penalty of one thousand dollars (\$1000).

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1 DATED this 13TH day of NOVEMBER, 2012.

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3 WASHINGTON STATE LIQUOR CONTROL BOARD

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25 MAIN STREAM VENTURES LLC
d/b/a SHELL SERVICE AND FOOD MART
26 UBI 6030420420010001
LCB NO. T-556

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

8 IN THE MATTER OF:
9 *Stream al*
10 MAIN ~~STREET~~ VENTURES, LLC d/b/a
11 SHELL SERVICE AND FOOD MART

11 401 WEST MAIN ST.
12 DAYTON, WA 99328

13 LICENSEE

13 UBI NO. 603 042 042 001 0001
14 AVN NO. 4L1344A

OAH NO. 2012-LCB-0015
LCB NO. T-556

STIPULATED SETTLEMENT
AGREEMENT

15 The Washington State Liquor Control Board Enforcement and Education Division
16 (Enforcement) by and through its attorneys, ROBERT M. MCKENNA, Attorney General, and
17 MARISA E. BROGGEL, Assistant Attorney General, and MAIN ~~STREET~~ *Stream al* VENTURES, LLC
18 d/b/a SHELL SERVICE AND FOOD MART by and through its attorney, JANELLE M.
19 CARMAN, hereby enter into this stipulated settlement agreement for Washington State Liquor
20 Control Board (Board) Case No. T-556, arising from Administrative Violation Notice (AVN)
21 No. 4L1344A.

22 **I. INTRODUCTION**

23 The Washington State Liquor Control Board Enforcement and Education Division
24 (Enforcement) charged the Licensee with the following violation of Washington laws and
25 rules, including the Washington State Liquor Act and/or Rules and Regulations of the
26 Board, by its complaint dated March 21, 2012:

Stream al
STIPULATED SETTLEMENT AGREEMENT
MAIN ~~STREET~~ VENTURES, LLC d/b/a
SHELL SERVICE AND FOOD MART
LCB NO. T-556

1 That on or around December 9, 2011, the Licensee or employee(s) thereof sold,
2 gave, and/or permitted to be sold and/or given, tobacco to a person under the
3 age of eighteen (18), contrary to RCW 26.28.080, and is subject to the penalties
4 set out in RCW 70.155.100.

5 Enforcement and the Licensee wish to enter into a settlement agreement concerning
6 the above-referenced Complaint.

7 II. AGREEMENT OF THE PARTIES

8 Enforcement and the Licensee agree to the following:

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

11 2. The Licensee explicitly waives the right to further administrative review of all
12 matters related to the above-referenced Complaint. Furthermore, the Licensee hereby
13 voluntarily withdraws its request for a hearing in this matter.

14 3. This Agreement constitutes the final written expression of all the terms of this
15 Agreement and is a complete and exclusive statement of these terms.

16 4. The Licensee stipulates to the violation set forth above and referenced in the
17 Complaint. Specifically, the Licensee admits that on or around December 10, 2011, the
18 Licensee or an employee(s) thereof sold and/or supplied tobacco to a person under the age of
19 eighteen (18).

20 5. The Licensee admits that the violation to which it stipulates in Section II,
21 Paragraph 4, is the Licensee's third violation of this type within a two (2) year period, the
22 standard penalty for which is suspension of the Licensee's Cigarette Retailer License and the
23 Licensee's Tobacco Retailer License for a period of six (6) months and a monetary penalty of
24 one thousand dollars (\$1,000).

25 6. In consideration of and for this Agreement, the parties agree to the following
26 compromise penalty:

- 1 a. The Licensee's Cigarette Retailer License and Tobacco Retailer License shall
2 be suspended for a period of thirty (30) days, the dates and times of which shall
3 be determined by the Board; and
4
5 b. The Licensee shall pay a monetary penalty of two thousand five hundred dollars
6 (\$2,500) in lieu of an additional thirty (30) day suspension of its tobacco
7 license,; and
8
9 c. The remaining four (4) months' suspension of the Licensee's Cigarette Retailer
10 License and Tobacco Retailer License shall be *suspended* on the condition that
11 the Licensee incurs no further tobacco violations for a two (2)-year period
12 beginning on December 10, 2011.

13 7. The parties agree that the Licensee shall pay the monetary penalty of \$2,500 as
14 set out and required by Section II, Paragraph 6(b), within thirty (30) days of the date of the
15 Final Order of the Board, no later than 4:00 p.m. on the applicable date. Payment shall be sent
16 to:

17 **Washington State Liquor Control Board**
18 **Enforcement and Education Division**
19 **3000 Pacific Ave. SE**
20 **PO Box 43085**
21 **Olympia, WA 98504-3085**

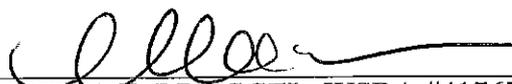
22 8. In the event that the Licensee does not fully and timely satisfy the penalties and
23 conditions set forth in Section II, Paragraphs 6 & 7, then the licensee shall be subject to a six
24 (6) months suspension of its Cigarette Retailer License and Tobacco Retailer License, the dates
25 and times of suspension to be determined by the Board, and a monetary penalty of one
26 thousand dollars (\$1000).

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

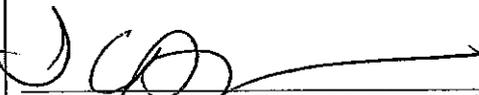
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1 10. The undersigned parties declare that the terms of this Settlement Agreement are
2 completely read, wholly understood, and voluntarily accepted for the purpose of making a full
3 and final compromise and settlement of any and all claims arising from the above-referenced
4 Complaint.

5
6 ROBERT M. MCKENNA
Attorney General

7
8 
9 MARISA E. BROGGEL, WSBA #41767
Assistant Attorney General
Attorney for Washington State
10 Liquor Control Board Enforcement Division

11
12 11/1/2012
DATE

13 
14 JANELLE M. CARMAN, WSBA #31537
Attorney for Main Street Ventures, LLC d/b/a
Shell Service and Food Mart, Licensee
15 Stream al

16 10/29/12
DATE

17 
18 ANNE HIGGINS
Main Street Ventures, LLC d/b/a
Shell Service and Food Mart
Licensee
19 Stream

20 10/24/2012
DATE



Washington State
Liquor Control Board

November 14, 2012

Janelle M. Carman,
Attorney for Licensee
6 E Alder St Ste 418
Walla Walla, WA 99362-1938

Anne Higgins
Main Stream Ventures, LLC
Shell Service and Food Mart
222 N Cherry St
Dayton, WA 99328-1207

Marisa E. Broggel, 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: Main Stream Ventures, LLC
Trade Name: Shell Service and Food Mart
Location: 401 W Main St, Dayton, WA 99328-1233
License No. (UBI): 603 042 420 001 0001
LCB Hearing No. T-556
OAH No. 2012-LCB-0015
Tobacco Violation No. 4L1344A

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board in the above-referenced matter, as well as a copy of the Stipulated Settlement Agreement. **The applicable monetary penalty is due by December 14, 2012.** The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Tobacco Violation Notice Number listed above.

The applicable suspension will take place from 11 a.m. on Wednesday, December 26, 2012 until 11 a.m. on Friday, January 25, 2013. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Spokane Enforcement and Education Division, WSLCB
Teresa Young, Tobacco Violations Coordinator, WSLCB
PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602
www.liq.wa.gov

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

OAH NO. 2012-LCB-0015
LCB NO. T-556

5
6 MAIN STREAM VENTURES, LLC
d/b/a SHELL SERVICE AND FOOD
7 MART
401 W MAIN ST, DAYTON, WA
8 99328

DECLARATION OF SERVICE BY
MAIL

LICENSEE

9
10 UBI NO. 6030420420010001
TVN NO. 4L1344A

11
12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
15 Attorney General, on the date below to:
16

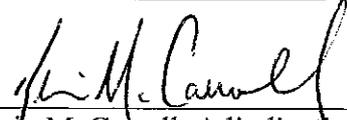
17 JANELLE M. CARMAN,
18 ATTORNEY FOR LICENSEE
6 E ALDER ST STE 418
19 WALLA WALLA, WA 99362-1938

OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100
GCE DIVISION
MARISA BROGGEL, AAG

20 ANNE HIGGINS
MAIN STREAM VENTURES, LLC d/b/a
21 SHELL SERVICE AND FOOD MART
222 N CHERRY ST
DAYTON, WA 99328-1207

ANNE HIGGINS
MAIN STREAM VENTURES, LLC d/b/a
SHELL SERVICE AND FOOD MART
401 W MAIN ST
DAYTON, WA 99328-1233

23 DATED this 14th day of November, 2012, at Olympia, Washington.

24
25 
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY
MAIL