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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

LCB NO. 23,749

V-BAR INC. d/b/a
V-BAR - NOODLE BAR AND LOUNGE
2122 2nd AVE
SEATTLE, WA 98121-2208

COMPLAINT

LICENSEE

LICENSE NO. 082277

The Washington State Liquor Control Board charges the above-named Licensee with the following violation(s) of the Washington State Liquor Act and/or Rules and Regulations of the Board:

(1) On or about September 9, 2010, the above-named Licensee, or an employee thereof engaged in or allowed behavior that provokes conduct which presents a threat to public safety contrary to WAC 314-11-015(3)(c); and

(2) On or about September 9, 2010, the above-named Licensee, or an employee thereof, engaged in or permitted conduct on the licensed premise that is prohibited by RCW 9A.76.020, to wit: obstructing a law enforcement officer, contrary to WAC 314-11-015(3)(e);

and

///

///

1 (3) On or about September 9, 2010, the above-named Licensee, or an employee
2 thereof, engaged in or permitted conduct on the licensed premise that is prohibited by RCW
3 9A.76.175, to wit: making a false or misleading statement to a public servant, contrary to
4 WAC 314-11-015(3)(e).

5
6 The penalty to be imposed for the above stated charges is an aggravated penalty of cancellation
7 of the liquor license, based on aggravating factors per WAC 314-29-015(4).

8
9 DATED this 8 day of October, 2010..

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11 WASHINGTON STATE LIQUOR CONTROL BOARD

12 Sharon Foster
13 Ruthann Kurose for M. Currell
14 per telephonic approval
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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

LCB NO. 23,749

V-BAR INC. d/b/a
V-BAR - NOODLE BAR AND LOUNGE

EMERGENCY ORDER OF
SUSPENSION - 180 DAYS

2122 2nd AVE
SEATTLE , WA 98121-2208

LICENSEE

LICENSE NO. 082277

The above-entitled matter having come on before the Washington State Liquor Control Board ("Board") pursuant to RCW 66.08.150(4), and the Board having reviewed the materials submitted by the Enforcement Division in this matter, now hereby enters the following Findings of Fact, Conclusions of Law and Emergency Order of Suspension:

I. FINDINGS OF FACT

The Board has received and reviewed copies of the following:

1.1 Enforcement and Education Division Interoffice Communication from Liquor Enforcement Deputy Chief Justin Nordhorn, to Pat W. Parmer, Chief of Enforcement, dated October 8, 2010 [2 pages].

1.2 Documents relating to Administrative Violation Notice (AVN) No. 2S0263A, including the following:

- a. Administrative Violation Notice [4 pages];
- b. Uniform Incident Report and follow-up reports [18 pages]; and

- 1 c. Seattle Police Department Case Report, including officer narratives, No.
2 2010-315513 (personal information redacted) [22 pages].
3 d. Seattle Fire Department Incident Report and Authorization for Release
4 Form (personal information redacted) [4 pages];
5 e. Voluntary Statement Forms for: Thanh Tran; Trinh Cam Le; Jeffery Q
6 Pham; Andrea Winward "Anna" Inge; Michael C. Roberts [7 pages]; and
7 f. Color copies of photographs of the interior of licensed premise: V-Bar -
8 Noodle Bar and Lounge, taken on September 16, 2010 [3 pages].

9 1.3 Documents relating to AVN No. 2C0076A, including the following:

- 10 a. Administrative Violation Notice [1 page];
11 b. Uniform Incident Report [3 pages];
12 c. Seattle Police Department Report, including officer narratives, No.
13 2010-87521 (personal information redacted) [26 pages]; and
14 d. Compromise Agreement for AVN No. 2C0076A [2 pages].

15 1.4 Administrative Violation Notices 2S0263A and 2C0076A and the documents in
16 support thereof, establish that during an approximately seven month period, from March 2010
17 through September of 2010, the Licensee or employees thereof have allowed or engaged in
18 conduct that presents a serious threat to public safety and have failed to cooperate with or have
19 actively obstructed local law enforcement, on two separate occasions.

20 1.5 Administrative Violation Notices 2S0263A and 2C0076A and the documents in
21 support thereof, establish that the Licensee and/or her employees are unwilling to or incapable of
22 complying with the Washington State Liquor Act and/or the Revised Rules and Regulations of
23 the Liquor Control Board.

24 **II. CONCLUSIONS OF LAW**

25 2.1 The Washington State Liquor Act, contained in Title 66 RCW, and the duly
26 promulgated Revised Rules and Regulations of the Board, contained in Title 314 WAC, were

1 created for the protection of the welfare, health, peace, morals, and safety of the people of the
2 state of Washington. See RCW 66.08.010.

3 2.2 Pursuant to RCW 66.08.150(4), the Board may summarily suspend a liquor
4 license for a period of up to one-hundred eighty (180) days, without a prior hearing, when the
5 Board finds that the public health, safety or welfare imperatively requires emergency action.

6 2.3 The Board, after reviewing the foregoing materials, and being in the premises fully
7 advised, concludes that the incidents occurring on the above-identified licensed premises are
8 contrary to public policy and law, and hereby finds that the public health, safety and/or welfare
9 imperatively requires emergency action.

10 NOW, THEREFORE, in accordance with the Board's emergency powers as authorized by
11 RCW 66.08.150(4),

12 **IT IS HEREBY ORDERED AND DIRECTED:**

13 I. That the liquor license privileges of V-BAR INC. d/b/a V-BAR - NOODLE BAR
14 AND LOUNGE, located at 2122 2nd Ave, Seattle, Washington, are hereby suspended for a period
15 of up to one-hundred eighty (180) days, effective from October 8, 2010, at 4:00 p.m. to April 6,
16 2011, at 4:00 p.m.

17 II. That the liquor license privileges of the licensees be thereafter revoked, subject to
18 any lawful appeal exercised by the licensee.

19 DATED at Olympia, Washington this 8 day of October, 2010.

20 WASHINGTON STATE LIQUOR CONTROL BOARD

21 Sharon Foster

22 Ruthann Kurose Terrell Carroll
23 per telephonic approval

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26



Washington State
Liquor Control Board

To: Pat W. Parmer, Chief of Enforcement *PWP*

From: Justin Nordhorn, Deputy Chief of Enforcement *[Signature]*

Date: 10/08/2010

RE: Recommendation for License Cancellation and Emergency Suspension
V-Bar, Inc, d/b/a V-Bar – Noodle Bar and Lounge - License # 082277

The purpose of this memo is to recommend an emergency suspension of V-Bar – Noodle Bar and Lounge (Licensee), license # 082277, located at 2122 2nd Ave, Seattle WA 98121. The sole governing person for V-Bar, Inc. is Trinh Le. The Licensee has held a spirits/beer/wine restaurant license since September 8, 2009.

On April 15, 2010, Enforcement issued to the Licensee AVN No. 2C0076A. This AVN was based on events that occurred on March 17, 2010. On that date, shortly after midnight, the Licensee denied service to a group of intoxicated patrons and a fight ensued. One of the patrons grabbed a knife and tried to stab the owner, Trinh Le. Ms. Le was able to force the patron outside, but the patron then broke several windows of the business. Shortly thereafter, Ms. Le armed herself with a 9 mm semi-automatic pistol, walked outside, and fired a single shot in direction of the patron with the stated purpose of scaring away the patron. Although Ms. Le maintained that she fired the shot into the air, witnesses stated that Ms. Le pointed the pistol in the direction of several people. After discharging the gun, Ms. Le handed it to an employee and it was ultimately thrown in a trashcan. When contacted by the police, Ms. Le directed them to a safe, which she advised contained the handgun that she had fired. The police took possession of the handgun from the safe. Shortly thereafter, Ms. Le informed the police that she had misled them about the handgun used that evening, and admitted that she had handed off the weapon to one of her employees after the shooting. The police eventually recovered the 9 mm pistol used by Ms. Le.

As a result of the March 17 incident, Enforcement issued to the Licensee an AVN for disorderly conduct. In June, Ms. Le entered into a compromise agreement with the Board. The agreement was based, in part, on the Licensee's assurance that, since the incident, she had employed two security guards as doormen and installed a security camera inside the premises.

On September 09, 2010, at approximately 1:50 am, Seattle Police passed by the V-Bar and observed a fight in progress in the entranceway of the premise. Upon contact, Seattle police officers were obstructed and denied entry into the business by the licensee and her manager. After persuading the Licensee to permit entry into the premises, the police officers were contacted by a patron who advised that his friend was unconscious in the bar and needed assistance. Neither the Licensee nor her employees had summoned medical aid for the patron.

During the contact, the Licensee provided false and misleading statements to the police about where the altercation occurred and the fact that a patron/victim was unconscious in the licensed establishment and needed medical assistance. Medics were called by the Seattle Police, but the actions of the Licensee and her employees delayed their arrival by 10-12 minutes.

During the police contact, the Licensee denied that the fight began in her establishment. She maintained that the injured man was brought into the bar following an altercation outside. Although the manager initially denied that the fight occurred inside the bar, he eventually admitted to Seattle Police officers that the fight started in their establishment. During the course of Enforcement's investigation over the next week, the manager provided a written statement in which he characterized the altercation as a group of patrons being "a little rowdy" and asserted that friends of the unconscious man told him (the manager) that their friend was hit outside and they brought him into the bar. Verbal statements from both the injured man and his friend, as well as written statements from the injured man and another patron, confirm that a fight occurred inside the bar and the injured man was struck during the altercation.

Contrary to the Licensee's assurances in June as part of the compromise agreement for AVN No. 2C0076A, there was no evidence that any security guards were present at the time of the September 9 incident. Moreover, although Ms. Le informed Seattle Police officers that security cameras inside the premises would support her version of events, when asked later about the cameras, she informed officers that they were not turned on.

As a result of the September 9 incident, Enforcement is issuing AVN No. 2S0263A for the following violations:

- WAC 314-11-015(3)(c) - Engaging in or allowing conduct that presents a threat to public safety
- WAC 314-11-015(3)(e) - Engaging in or permitting conduct on the licensed premise that is prohibited by Title 9A RCW, to wit: obstructing a law enforcement officer, contrary to RCW 9A.76.020
- WAC 314-11-015(3)(e) - Engaging in or permitting conduct on the licensed premise that is prohibited by Title 9A RCW, to wit: making a false or misleading statement to a public servant, contrary to RCW 9A.76.175

WAC 314-29-015 allows for an aggravated penalty, including cancellation, based upon aggravating factors relating to business operations or behaviors that create an increased risk for a violation and/or intentional commission of a violation. Pursuant to WAC 314-29-015(b) and (c), the Enforcement division believes the following aggravating factors are present:

- Failing to call 911 for local law enforcement or medical assistance when requested by a customer, a liquor control board officer, or when people have sustained injuries
- Failing to cooperate with local law enforcement

- Employee not properly trained or MAST certified after 60 days of employment.

The facts and aggravating factors underlying AVN No. 2S0263A warrant an aggravated penalty of cancellation of the Licensee's liquor license. Additionally, based on the events of September 9, 2010, as well as those of March 17, 2010, this Licensee has operated in a manner that Enforcement believes endangers the public health, safety or welfare, and the continued operation of the licensed premises constitutes a present and ongoing threat to public safety. Therefore, Enforcement recommends that the liquor license held by V-Bar, Inc. be summarily suspended pending the resolution of AVN No. 2S0263A.



**Washington State
Liquor Control Board**

ADMINISTRATIVE VIOLATION NOTICE

Trade Name: <u>V-BAR – NOODLE BAR AND LOUNGE</u>	Date: <u>9/23/2010</u>
Licensee/Permit Holder: <u>V-BAR INC</u>	License/Permit/UBI #: <u>082277</u>
	License Class: <u>S/B/W/ REST</u>
	AVN/TVN/Case #: <u>2S0263A</u>
Location: <u>2122 2ND AVE</u>	<u>SEATTLE WA 98121-2208</u> <u>(206) 779-7454</u>
Address	City, State Zip Phone

VIOLATIONS

Violation 1: Engaging in conduct which presents a threat to public safety
 Violation Date: 9/9/2010
 AVN Issued

WAC/RCW: WAC 314-11-015 (3)(C)

Penalty: AGGRAVATE TO CANCELLATION effective 11/10/2010 at 10:00 am - 00/00/00 at am.

Violation 2: Engaging in or permitting conduct on the licensed premise that is prohibited by Title 9A RCW, to wit: obstructing a law enforcement officer, contrary to RCW 9A.76.020
 Violation Date: 9/9/2010
 AVN Issued

WAC/RCW: WAC 314-11-015 (3)(e), to wit: RCW 9A.76.020

Penalty: AGGRAVATE TO CANCELLATION effective 11/10/2010 at 10:00 am - 00/00/00 at am.

Violation 3: Engaging in or permitting conduct on the licensed premise that is prohibited by Title 9A RCW, to wit: making a false or misleading statement to a public servant, contrary to RCW 9A.76.175
 Violation Date: 9/9/2010
 AVN Issued

WAC/RCW: WAC 314-11-015 (3)(e), to wit: RCW 9A.76.175

Penalty: AGGRAVATE TO CANCELLATION effective 11/10/2010 at 10:00 am - 00/00/00 at am.

Comments: See full report

Officer: Blaker, Susan J Badge #: 418

Date of Service: _____

Mode of Service: Personal Certified Mail

Received by: Name (print) _____ Date: _____

Signature _____

Title _____

License/UBI #: 082277 AVN/TVN/Case #: 2S0263A

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

LCB NO. 23,749

V-BAR INC. d/b/a
V-BAR - NOODLE BAR AND LOUNGE
2122 2nd AVE
SEATTLE, WA 98121-2208

NOTICE OF OPPORTUNITY
FOR HEARING ON STAY OF
SUSPENSION PURSUANT TO
WAC 314-29-007 AND CHAPTER
34.05 RCW

LICENSEE

LICENSE NO. 082277

TO: V-BAR INC. d/b/a V-BAR - NOODLE BAR AND LOUNGE

WHEREAS on October 8, 2010, the Board, pursuant to the provisions of RCW 66.08.150(4), entered and implemented an Emergency Order of Suspension for a period of up to one-hundred eighty (180) days, effective from October 8, 2010, at 4:00 p.m. to April 6, 2011, at 4:00 p.m.

WHEREAS, pursuant to the provisions of WAC 314-29-007, RCW 34.05.467 and 34.05.550, an opportunity for a hearing on stay of suspension is provided; NOW, THEREFORE,

IN THE NAME OF THE STATE OF WASHINGTON, you are hereby notified of your opportunity for a hearing on stay of suspension as follows:

1. In order to exercise your opportunity for a hearing on stay of suspension, within fifteen (15) days of the date you receive this Notice, you must submit to the Board a petition for a stay of suspension. The petition must state the basis on which the stay is sought.

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2. A copy of WAC 314-29-007 is appended hereto for your reference.

DATED at Olympia, Washington this 8 day of October, 2010.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster
Ruthann Kurose Deirdre Carroll
per telephonic approval

WAC 314-29-007

How may a licensee challenge the summary suspension of his or her liquor license?

(1) Upon summary suspension of a license or permit by the board pursuant to WAC 314-29-006, an affected licensee or permit holder may petition the board for a stay of suspension pursuant to RCW 34.05.467 and 34.05.550(1). A petition for a stay of suspension must be received by the board within fifteen days of service of the summary suspension order. The petition for stay shall state the basis on which the stay is sought.

(2) A hearing shall be held before an administrative law judge within fourteen days of receipt of a timely petition for stay. The hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under current licenses or permits.

(3) Any hearing conducted pursuant to subsection (2) of this section shall be a brief adjudicative proceeding under RCW 34.05.485. The agency record for the hearing shall consist of the documentary information upon which the summary suspension was based. The licensee or permit holder shall have the burden of demonstrating by clear and convincing evidence that:

- (a) The licensee or permit holder is likely to prevail upon the merits at hearing;
 - (b) Without relief, the licensee or permit holder will suffer irreparable injury. For purposes of this section, elimination of income from licensed or permitted activities shall not be deemed irreparable injury;
 - (c) The grant of relief will not substantially harm other parties to the proceedings; and
 - (d) The threat to the public health, safety, or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.
- (4) The initial order on stay shall be effective immediately upon service unless another date is specified in the order.

[Statutory Authority: RCW 66.08.030 and 66.08.150. 08-17-038, § 314-29-007, filed 8/14/08, effective 9/14/08.]

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

LCB NO. 23,749

V-BAR INC. d/b/a
V-BAR - NOODLE BAR AND LOUNGE
2122 2nd AVE
SEATTLE, WA 98121-2208

NOTICE OF OPPORTUNITY
FOR HEARING ON
REVOCATION PURSUANT
TO RCW 66.08.150(2)

LICENSEE

LICENSE NO. 082277

TO: V-BAR INC. d/b/a V-BAR - NOODLE BAR AND LOUNGE

WHEREAS on October 8, 2010, the Board, pursuant to the provisions of RCW 66.08.150(4), entered and implemented an Emergency Order of Suspension for a period of up to one-hundred eighty (180) days, effective from October 8, 2010, at 4:00 p.m. to April 6, 2011, at 4:00 p.m.

WHEREAS, said Emergency Order of Suspension provided that, in accordance with the provisions of RCW 66.08.150(4) and WAC 314-29-006(3), proceedings for revocation of licensure shall be promptly instituted and determined; and

WHEREAS, pursuant to the provisions of RCW 66.08.150(2), an opportunity for a hearing must be provided prior to revocation of a license; NOW, THEREFORE,

IN THE NAME OF THE STATE OF WASHINGTON, you are hereby notified of your opportunity for a hearing as follows:

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1. A form entitled Licensee's Request for Hearing on Revocation in the above-entitled matter is appended hereto and fully incorporated herein by reference.

2. In order to exercise your opportunity for a hearing, you must sign said form and return it to the Board as directed therein within twenty (20) days of the date you receive this Notice.

3. In the event that you do not timely request a hearing as provided in paragraph 2 above, your liquor license will be revoked within one-hundred eighty (180) days from the time and date you receive this Notice.

DATED at Olympia, Washington this 8 day of October, 2010.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster
Ruthann Kurose *John McCall*
per telephonic approval

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

LCB NO. 23,749

V-BAR INC. d/b/a
V-BAR - NOODLE BAR AND LOUNGE

2122 2nd AVE
SEATTLE, WA 98121-2208

LICENSEE'S REQUEST FOR
HEARING ON REVOCATION

LICENSEE

LICENSE NO. 082277

COMES NOW, V-BAR INC. d/b/a V-BAR - NOODLE BAR AND LOUNGE,
Licensee, and pursuant to RCW 66.08.150(2) hereby requests a hearing to contest the revocation
of its liquor license privileges.

DATED at _____, Washington this ___ day of _____, 2010.

Signature of Licensee

MAIL TO:

Washington State Liquor Control Board
Attn: Administration
PO Box 43075
Olympia, WA 98504-3075

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF THE HEARING OF:

LCB NO. 23,749

V-BAR INC. d/b/a
V-BAR - NOODLE BAR AND LOUNGE

CERTIFICATE OF SERVICE

2122 2nd AVE
SEATTLE, WA 98121-2208

LICENSEE

LICENSE NO. 082277

THIS IS TO CERTIFY, That I, _____, on October __, 2010, at
__:__ a.m./p.m., served this Emergency Order of Suspension on _____, of
V-BAR – NOODLE BAR AND LOUNGE, located at 2122 2nd Ave., Seattle, Washington, in
King County, by then and there delivering a true copy of the Emergency Order of Suspension for
V-BAR INC., d/b/a V-BAR - NOODLE BAR AND LOUNGE signed by the Board on October
__, 2010.

Enforcement Officer