**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

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| IN THE MATTER OF:<br><br>PRIYANA, INC. d/b/a<br>RENTON SHELL<br><br>300-320 RAINIER AVE. S.<br>RENTON, WA 98055<br><br>LICENSEE<br><br>LICENSE NO. 080806<br>AVN NO. 2M1275E<br>AVN NO. 2M2237A | OAH NO. 2012-LCB-0047<br><br>LCB NO. 23,918<br>LCB NO. 24,213<br><br>FINAL ORDER OF THE BOARD<br>[~~PROPOSED~~] |

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement) by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and PRIYANA, INC. d/b/a RENTON SHELL (Licensee) by and through its attorney, PATRICK M. HANIS, and the parties having voluntarily entered into a stipulated settlement agreement for Administrative Violation Notice (AVN) Nos. 2M1275E and 2M2237A, for LCB Nos. 23,918 and 24,213, respectively; 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:



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

IT IS HEREBY ORDERED that each allegation set forth in AVN Nos. 2M1275E and 2M2237A and in the Board's complaints related to these AVNs, to wit: that on or around October 2, 2011 and on or around August 24, 2012, the Licensee and/or an employee thereof gave, sold or supplied liquor to a person(s) under age twenty-one (21), is sustained.

IT IS FURTHER ORDERED that the Final Order of the Board, entered on September 25, 2012 in the matter of LCB No. 23,918, is hereby vacated.

IT IS FURTHER ORDERED that the Licensee shall serve one thirty-day suspension for each of these violations, to run concurrently beginning on August 2, 2013.

In the event the Licensee fails to complete the terms as agreed in the above-referenced stipulated settlement agreement, the Licensee's liquor license shall be suspended for thirty days for each of the violations, to run consecutively, the dates and times of suspension to be determined by the Board.

DATED this 17th day of June, 2013.

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

Ruthann Kurose

RECEIVED
JUN 10 2013
Liquor Control Board
Board Administration

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

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| IN THE MATTER OF:<br><br>PRIYANA, INC d/b/a<br>RENTON SHELL<br><br>300-320 RAINIER AVE. S.<br>RENTON, WA 98055<br><br>LICENSEE<br><br>LICENSE NO. 080806<br>AVN NO. 2M1275E<br>AVN NO. 2M2237A | OAH No. 2012-LCB-0047<br><br>LCB No. 23,918<br>LCB No. 24,213<br><br>STIPULATED SETTLEMENT AGREEMENT |

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and MARISA E. BROGGEL, Assistant Attorney General, and PRIYANA, INC d/b/a RENTON SHELL (Licensee), by and through its attorney PATRICK M. HANIS, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case Nos. 23,918 and 24,213, arising from Administrative Violation Notice (AVN) Nos. 2M1275E and 2M2237A, respectively.

## I. INTRODUCTION

### A. LCB No. 23,918

On December 14, 2011, the Liquor Control Board issued an administrative complaint based on AVN No. 2M1275E. The Complaint charges the Licensee as follows:



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> On or about October 2, 2011, the above-named Licensee, or an employee thereof, gave, sold and/or supplied liquor to a person under the age of twenty-one (21), contrary to RCW 66.44.270(1) and WAC 314-11-020(1).

This was the Licensee's third violation of this type within a twenty-four month period, for which the Board sought an aggravated penalty pursuant to WAC 314-29-015(4)[1]. Specifically, the Board sought cancellation of the Licensee's liquor License pursuant to a prior Stipulated Settlement Agreement entered into by the parties on or around December 1, 2010, and adopted by Final Order of the Board on December 2, 2010. On August 22, 2012, following a full evidentiary hearing, Administrative Law Judge (ALJ) Terry A. Schuh with the Office of Administrative Hearings (OAH) issued his Findings of Fact, Conclusions of Law and Initial Order (Initial Order) in this matter. The Initial Order sustained the Complaint but not the aggravated penalty, ordering instead that the penalty for the violation should be a thirty-day suspension of the liquor license.

Enforcement timely filed with the Board a Petition for Review, in pertinent part, of the penalty in the Initial Order. On September 25, 2012, the Board entered a Final Order affirming that the violation occurred, and also adopting the ALJ's penalty of a thirty-day suspension. The Licensee timely appealed the Final Order of the Board by filing a Petition for Judicial Review in the King County Superior Court. The parties agreed to stay the suspension of the liquor license as ordered by the Board, pending disposition of the appeal[2].

**B. LCB No. 24,213**

On November 6, 2012, the Liquor Control Board issued an administrative complaint based on AVN No. 2M2237A. The Complaint charges the Licensee as follows:

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[1] The standard penalty for a third violation of this type ("Group 1-Public Safety") is a thirty-day suspension of the liquor license. This is addressed in Section II No.

[2] Argument on the Licensee's Petition for Judicial Review is scheduled for August 12, 2013 at the King County Superior Court Regional Justice Center in Kent, Washington.



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> On or about August 24, 2012, the above-named Licensee, or an employee thereof, gave, sold and/or supplied liquor to a person under the age of twenty-one (21), contrary to RCW 66.44.270(1) and WAC 314-11-020(1).

The Complaint also states that the penalty for the violation as charged is an aggravated penalty of a thirty (30)-day suspension of the Licensee's liquor license. *See* Complaint for LCB No. 24,213.[3]

## II. AGREEMENT OF THE PARTIES

Enforcement and the Licensee wish to enter into a settlement agreement concerning the above-referenced matters. Enforcement and the Licensee hereby agree to the following:

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

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

3. The Licensee hereby agrees to withdraw its Petition for Judicial Review as to LCB No. 23,918, currently pending in King County Superior Court, No. 12-2-34052-8, and explicitly waives the right to further administrative and/or judicial review of all matters related to LCB No. 23,918, including AVN No. 2M1275E, complaint(s), and related administrative and/or agency actions and orders and/or appeals therefrom.

4. The Licensee hereby agrees to withdraw its request for a formal administrative hearing as to LCB No. 24,213, and explicitly waives the right to further administrative review and/or judicial review of all matters related to the above-referenced violations, complaints, and related administrative and/or agency actions and orders and/or appeals therefrom.

5. The Licensee stipulates to each of the violations set forth in Section I, Parts A and B, and the associated complaints, AVNs and/or orders of the Board. Specifically, the Licensee stipulates that on or around October 2, 2011, and that on or around August 24, 2012;

[3] A full evidentiary hearing in this matter is scheduled for May 14, 2013, at the Office of Administrative Hearings in Tacoma, Washington.



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the Licensee or an employee thereof gave, sold and/or supplied liquor to a person under the age of twenty-one (21), contrary to RCW 66.44.270(1) and WAC 314-11-020(1).

6. The parties agree that the violation set forth in Section I, Part A, carries a standard penalty of a thirty-day suspension of the Licensee's liquor license, pursuant to WAC 314-29-025 and WAC 314-12-030 and pursuant to the Final Order of the Board dated September 25, 2012; **and** that the violation set forth in Section I, Part B, carries a standard penalty of a seven-day suspension of the Licensee's liquor license, pursuant to WAC 314-29-025 and WAC 314-12-030.

7. The Licensee stipulates that it will serve one thirty-day suspension for each of the violations set forth in Section I, Parts A and B, to run concurrently, and to begin on August 2, 2013.

8. In the event that the Licensee fails to fully and timely adhere to as set out and required by Section II, Paragraph 7, the Licensee shall be subject to one thirty-day suspension of its liquor license for each of the violations set forth in Section I, Part A and B, to run consecutively, the dates and times of suspension to be determined by the Board.

9. The parties agree that the Final Order of the Board entered in LCB No. 23,918, dated September 25, 2012, should be vacated upon entry of this Settlement Agreement, subject to approval by the Board.

10. The parties recognize that this Agreement is subject to approval by the Board.

11. The undersigned parties declare that the terms of this Agreement are completely read, wholly understood, and voluntarily accepted for the purpose of making a full and final compromise and settlement of any and all violations arising from the above-referenced Complaints.

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ROBERT W. FERGUSON
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Assistant Attorney General
Attorneys for Washington State
Liquor Control Board
Enforcement Division

DATE
5/22/13

HANIS IRVINE PROTHERO, PLLC

PATRICK M. HANIS, WSBA#31440
Attorney for Licensee

DATE
5/20/13

DAVID MALIK
Priyana, Inc. d/b/a Renton Shell
Licensee

5·14·13·
DATE

Washington State
Liquor Control Board

June 19, 2013

Patrick M. Hanis
Attorney for Licensee
Hanis Irvine Prothero PLLC
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Kent, WA 98032-2903

David Malik
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26220 116TH Ave Ste 101
Kent, WA 98030-8663

Marisa 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: Priyana Inc.***
***TRADE NAME: Renton Shell***
***LOCATION: 300-320 Rainier Ave S, Renton, WA 98057***
***LICENSE NO. 080806-2M***
***ADMINISTRATIVE VIOLATION NOTICE NO: 2M1275E and 2M2237A***
***LCB HEARING NO. 23,918 and 24,213***
***OAH NO. 2011-LCB-0047***
***UBI: 601 516 103 001 0002***

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. **Suspension will take place from 10:00 a.m. on Friday, August 2, 2013 until 10:00 a.m. on Sunday, September 1, 2013**. If you have any questions, please contact me at (360) 664–1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)
cc: Tukwila Enforcement and Education Division, WSLCB
Lisa Red, WSLCB

**WASHINGTON STATE LIQUOR CONTROL BOARD**

| IN THE MATTER OF: | OAH NO. 2012-LCB-0047 |
|---|---|
| PRIYANA INC<br>d/b/a RENTON SHELL<br><br>300-320 RAINIER AVE S<br>RENTON, WA 98055<br><br>LICENSEE<br><br>LICENSE NO. 080806<br>AVN NOS. 2M1275E and 2M2237A | LCB NOS. 23,918<br>24,213<br><br>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 campus mail for state offices, on the date below to:

| | |
|---|---|
| PATRICK HANIS, ATTORNEY FOR LICENSEE<br>HANIS IRVINE PROTHERO PLLC<br>6703 S 234TH ST STE 300<br>KENT, WA 98032-2903 | OFFICE OF THE ATTORNEY GENERAL<br>MAIL STOP 40100, GCE DIVISION<br>MARISA BROGGEL,<br>ASSISTANT ATTORNEY GENERAL |
| DAVID MALIK,<br>PRIYANA INC, LICENSEE<br>d/b/a RENTON SHELL<br>26220 116TH AVE SE STE 201<br>KENT, WA 98030-8663 | |

DATED this 19th day of June, 2013, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator



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