STATE OF WASHINGTON
WASHINGTON STATE LIQUOR CONTROL BOARD

In the Matter of: **NAVKIRAT LLC d/b/a LIQUOR & WINE** **2027 BROADWAY AVENUE** **EVERETT, WA 98201** **LICENSEE** **License No. 409657** **UBI No. 603-202-473-001-0001**	**LCB No. 24,834** **FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING**

I. REVIEWERS' CONSIDERATION

1.1 Review. This matter comes before the Chair to review the Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding entered by Presiding Officer Susan E. Thomsen on January 10, 2014, and served on the parties by mail on January 13, 2014. The Initial Order is attached and incorporated into this Order by this reference.

1.2 Record of Proceeding. The entire record of this proceeding was presented to the Chair or the Board as Reviewer for review and the entry of a final decision.

1.3 Findings of Fact and Conclusions of Law. The Chair hereby adopts the Findings of Fact and Conclusions of Law as found by the Presiding Officer, with the additional Findings set forth below:

1.4 On September 18, 2013, Alan Rathbun, Director of the Board's Licensing and Regulation Division, served the Licensee by certified mail with a letter enclosing the Statement of Intent to Suspend Spirits Retailer Liquor License, and a form titled Request for Brief Adjudicative Proceeding (BAP) Record Review.

1.5 The Board received Licensee's Request for Brief Adjudicative Proceeding (BAP) Record Review postmarked October 8, 2013. Licensee submitted no documents or information with the completed form.

1.6 On August 22, 2013, Kevin McCarroll, the Board's Adjudicative Proceedings Coordinator mailed a letter to the Licensee, detailing what records were included in the BAP case file for review by the Presiding Officer, notifying the licensee that the BAP file review would be conducted on November 22, 2013, and offering the Licensee the opportunity to submit any additional documents or materials for consideration by the BAP presiding officer. The Licensee submitted no additional information or documents, but did ask for an extension of time to submit materials.

1.7 On November 15, 2013, Kevin McCarroll, the Board's Adjudicative Proceedings Coordinator mailed a letter to the Licensee, notifying the licensee that the BAP file review would be conducted on December 20, 2013, and offering the Licensee the opportunity to submit any additional documents or materials for consideration by the BAP presiding officer. The Licensee submitted no additional information or documents, but did ask for a second extension of time to submit materials citing delays caused by becoming ill while in India.

1.8 On December 16, 2013, Kevin McCarroll, the Board's Adjudicative Proceedings Coordinator mailed a letter to the Licensee, notifying the licensee that the BAP file review would be conducted on January 10, 2013, and offering the Licensee the opportunity to submit any additional documents or materials for consideration by the BAP presiding officer. The letter also indicated that no further continuances would be granted.

1.9 The Licensee submitted no additional information or documents prior to the BAP.

1.10 A Brief Adjudicative Proceeding was conducted in this matter by Susan E. Thomsen, Presiding Officer on January 10, 2014, under authority delegated by the Washington State Liquor Control Board. The proceeding was conducted pursuant to RCW 34.05.482 through .494, Title 66 RCW, and WAC 314-42.

1.11 On January 10, 2014, the Presiding Officer entered Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding. The Initial Order was mailed to the licensee on January 13, 2014.

1.12 In a letter dated January 30, 2014, and received by the Board on February 3, 2014, the licensee requested administrative review of the order on Brief Adjudicative Proceedings. According to WAC 314-42-130(1), the request for administrative review was timely received.

1.13 In the Request for Administrative Review, the Licensee stated that he fulfilled all the WSLCB requirements for 4th Quarter 2012 were reported and paid but WSLCB applied penalties and interest in the amount of $538.97, which he says does not make sense to him but he would and did send a check for that amount.

1.14 For 1st Quarter 2013, the Licensee sent check number 10221 in the amount of $15,268.50 and the report has been filed.

1.15 For 2nd Quarter 2013, the Licensee sent check number 10234 in the amount of $13,646.39 and the report has been filed.

1.16 On February 11, 2014, the Financial Division reported that checks for 4th Quarter 2012, 1st Quarter 2013, and 2nd Quarter 2013 were received on February 7, 2014 as indicated above; however, the following were still out of compliance:

1.16.1 2nd Quarter 2012 (June 2012 sales and fees)

1.16.2 Additional late fees for 2nd Quarter 2013 due: $1,371.54

II. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Presiding Officer's Findings and Fact and Conclusions of Law are hereby adopted as the final decision of the Reviewing Officer with the following modifications: the Licensee is now in compliance with reports and license issuance fees for the Fourth Quarter 2012, First Quarter 2013, and Second Quarter 2013.

IT IS HEREBY FURTHER ORDERED that the SLS Spirits Retailer liquor license for Navkirat, LLC d/b/a Liquor & Wine shall be suspended due to failure to submit reports and nonpayment of applicable license issuance fees for the Second Quarter of 2012. The Licensee also owes additional late fees of $1,371.54 for the Second Quarter of 2013. The Licensee's authority to sell beer and wine are not affected by this suspension. If the Licensee does not pay the additional late fees owing for the Second Quarter of 2013 by March 21, 2014, the suspension shall commence at 10:00 a.m. on Monday, March 24, 2014, and remain in effect until the Licensee is in compliance. Compliance shall be demonstrated by payment of overdue fees, including penalties for late payment. If the Licensee pays the late fees on or before March 21, 2014, the suspension shall not be imposed. However, the Board may seek suspension of the spirits retail license for overdue reports and unpaid fees and penalties for subsequent periods, including for the Third and Fourth Quarters of 2014, with proper notice and opportunity for hearing.

DATED this 21st day of February, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD

By: Sharon Foster

Sharon Foster, Board Chair

RIGHTS OF REVIEW

Reconsideration. Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to the Washington State Liquor Control Board, Attn:

Kevin McCarroll, 3000 Pacific Avenue Southeast, PO Box 43076, Olympia, WA 98504-3076, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Board's office. RCW 34.05.010(6). A copy shall also be sent to Mary M. Tennyson, Sr. Assistant Attorney General, 1125 Washington St. SE, P.O. Box 40110, Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not subject to judicial review. RCW 34.05.470(5). The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Board has determined not to consider a petition to stay the effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW and RCW 34.05.550.

Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

Washington State
Liquor Control Board

I certify that on 2-21-14, I mailed a copy of this document, postage prepaid or via state campus mail, to the persons named on the left at the addresses listed. I certify under penalty of perjury, under the laws of the State of Washington, that the forgoing is true and correct.

Dated: 2-21-2014 at: Olympia, WA

By: [signature]

February 21, 2014

Sarbjit Singh
Navkirat, LLC
d/b/a Liquor & Wine
9561 187th St Ct East
Puyallup, WA 98375-6300

Sharon Hendricks
Policy and Compliance Manager
Washington State Liquor Control Board
PO Box 43098
Olympia, WA 98504-3098

RE: Final Order on Review Following Brief Adjudicative Proceeding
LICENSEE: Navkirat, LLC
TRADE NAME: Liquor & Wine
LOCATION: 2027 Broadway Ave, Everett, WA 98201
LICENSE NO. 409567-3F
LCB BAP NO. 24,834
UBI: 603-202-473-001-0001

Dear Parties:

Please find the enclosed Findings Final Order on Review Following Brief Adjudicative Proceeding in the above-referenced matter.

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

Sincerely,

[signature]

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosure

cc: Mt. Vernon Enforcement and Education Division, WSLCB