BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: PRIYANA MALIK SHIVA PARTNERS LLC 300 RAINIER AVE S RENTON WA 98057 APPLICANT LICENSE APPLICATION NO. 080806 UBI: 603 107 141 001 0002	LCB NO. 24,843 OAH NO. 2014-LCB-0043 FINAL ORDER OF THE BOARD
IN THE MATTER OF: PRIYANA MALIK SHIVA PARTNERS LLC 1208 N CENTRAL AVE N KENT, WA 98031 APPLICANT LICENSE APPLICATION NO. 081102 UBI: 603 107 141 001 0003	LCB NO. 24,844 OAH NO. 2014-LCB-0037 FINAL ORDER OF THE BOARD

The above-captioned matter coming on regularly before the Board, and it appearing that:

1. The Licensing Division of the Liquor Control Board issued Statements of Intent to Deny both above-captioned liquor license applications.

2. The Applicant submitted requests for hearings in these matters.

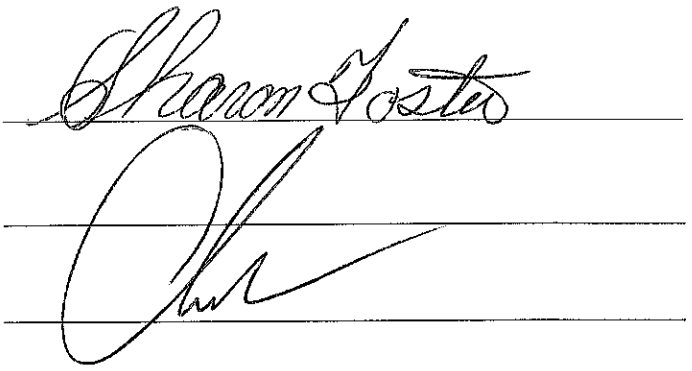
3. Prior to an administrative hearing, the parties reached a stipulated settlement agreement which is incorporated herein by reference.

4. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulated Settlement Agreement in the above captioned cases is adopted in its entirety.

IT IS HEREBY FURTHER ORDERED that liquor license application numbers 080806 and 081102 for Shiva Partners LLC are DENIED. This denial shall be without prejudice to the applicants re-applying immediately, with changed circumstances. If Shiva Partners LLC submits new applications, the Board specifically waives the application of WAC 314-07-070(2) to this applicant.

DATED at Olympia, Washington this 25th day of September, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD



Washington State
Liquor Control Board

September 25, 2014

Jeremy Eckert,
Attorney for Applicant
Foster Pepper PLLC
1111 3rd Ave Ste 3400
Seattle, WA 98101-3264

Priyana Malik
Shiva Partners LLC
300 Rainier Ave S
Renton, WA 98057-2403

Kim O'Neal, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: ***FINAL ORDER OF THE BOARD***
APPLICANT: Shiva Partners LLC
TRADE NAME: 7-Eleven #39638A and #39639A
LICENSE APPLICATION NOS. 080806 and 081102
LCB NOS. 24,843 and 24,844
OAH NOS. 2014-LCB-0043 and 2014-LCB-0037
UBI: 603 107 141

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.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures
cc: Sharon Hendricks, Policy and Compliance Manager, WSLCB
Josh Bolender, Enforcement Lieutenant, WSLCB
Lorn Richey, Enforcement Sergeant, WSLCB

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: PRIYANA MALIK SHIVA PARTNERS LLC 300 RAINIER AVE S RENTON WA 98057 APPLICANT LICENSE APPLICATION NO. 080806 UBI: 603 107 141 001 0002	LCB NO. 24,843 OAH NO. 2014-LCB-0043 FINAL ORDER OF THE BOARD

IN THE MATTER OF: PRIYANA MALIK SHIVA PARTNERS LLC 1208 N CENTRAL AVE N KENT, WA 98031 APPLICANT LICENSE APPLICATION NO. 081102 UBI: 603 107 141 001 0003	LCB NO. 24,844 OAH NO. 2014-LCB-0037 FINAL ORDER OF THE BOARD

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:

JEREMY ECKERT, ATTORNEY FOR APPLICANT FOSTER PEPPER PLLC 1111 3RD AVE STE 3400 SEATTLE, WA 98101-3264	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
PRIYANA MALIK SHIVA PARTNERS LLC 300 RAINIER AVE S RENTON, WA 98057-2403	

DATED this 25th day of September, 2014 at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator

RECEIVED
AUG 29 2014
Liquor Control Board
Board Administration

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF: Shiva Partners LLC LCB No. 24,844; 24,843	OAH Docket No. 2014-LCB-0037; 2014-LCB-0043 LCB No. 24,844; 24,843 **STIPULATED SETTLEMENT AGREEMENT**

The Washington State Liquor Control Board Education and Licensing Division ("Licensing"), by and through its attorney, KIM O'NEAL, Assistant Attorney General, and SHIVA PARTNERS LLC ("Shiva Partners"), by and through its attorney, FOSTER PEPPER PLLC, hereby enter into this Stipulated Settlement Agreement (the "Agreement") for the Washington State Liquor Control Board's (the "Liquor Board" or "LCB") Intent to Deny Grocery Store Beer/Wine Liquor Licenses ("License" or Licenses") for 300 Rainier Ave. S., Renton, WA 90057 - Application No. 080806 (the "Renton Store") and for 1208 N. Central, Kent, WA 98031 - Application No. 081102 (the "Kent Store").

I. INTRODUCTION

On March 13, 2013, Shiva Partners submitted to the Liquor Board a Grocery Store Beer/Wine license application for the 7-Elevens located at the Renton Location. On June 5, 2013, Shiva Partners submitted a Grocery Store Beer/Wine license application for the 7-Eleven located at the Kent Location. At the time of the application, Priyana Malik was the sole-member of Shiva Partners.

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On November 4, 2013, the Board sent Shiva Partners a Statement of Intent to Deny both liquor license applications. In LCB Nos. 24,843 and 24,834, the Board stated that it intended to deny Shiva Partners' liquor license applications for two reasons:

1. Hidden Ownership. The investigator believed that Ms. Malik's parents "were attempting to erase their extensive violation history by placing the store in hidden ownership under the daughter's name." The investigator also questioned an initial loan Shiva Partners made by Ms. Malik's brother, Paras Malik. The investigator found that this was in violation of RCW 66.24.010(2).
2. Incomplete Documentation. The investigator also believed that Ms. Malik failed to submit required documentation, in violation of WAC 314-12-035.

On November 6, 2013, Ms. Malik requested a hearing pursuant to WAC 314-09-015 (the "Petition"). Although the Liquor Board acknowledged the receipt of the request for a hearing, the Liquor Board never scheduled a hearing.

In late-February 2014, Shiva Partners' counsel conferred with Licensing's counsel. Licensing's counsel agreed to review additional written materials prepared by Shiva Partners to address Licensing stated concerns. Shiva Partners submitted these materials to the Liquor Board on May 2, 2014.

Shiva Partners and the Liquor Board are scheduled to appear before an Administrative Law Judge on September 19, 2014.

II. AGREEMENT OF THE PARTIES

The Liquor Board and Shiva Partners wish to enter into a settlement agreement concerning the above-referenced matters. The Liquor Board and Shiva Partners hereby agree to the following:

1. The Liquor Board and Shiva Partners enter into this Agreement to avoid the time and expense of further litigation;

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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. Shiva Partners hereby agrees to withdraw its Petition for judicial review of the pending Statement of Intent to Deny the Application(s) of Shiva Partners for its Renton Store and Kent Store;

4. The Liquor Board will promptly enter a Final Order denying Shiva Partner's applications for the Renton Store and the Kent Store, but the Liquor Board will waive the one-year prohibition against re-applying for a license when a denial is issued;

5. Shiva Partners is permitted to immediately re-file its applications for the Renton Store and the Kent Store through Shiva Partners or another entity including Priyana Malik's partners (an "Alternate Entity"). Shiva Partners' re-filed applications must accurately describe the ownership interest, if any, held by Priyana Malik's parents, Devendra (David) Malik and Prabha Malik, as well as any financial disbursements that the entity will make to Priyana Malik's parents;

6. Shiva Partners' re-filed application will identify David Malik and Prabha Malik as the source of funds;

7. Paras Malik will not be permitted to hold any interest in Shiva Partners or the Alternate Entity;

8. Any new liquor license violations incurred by Shiva Partners or any Alternate Entity incur will be treated as new, first time violations for that entity under Chapter 314-29 WAC;

9. The Liquor Board via its Licensing Staff agrees to expedite the application of Shiva Partners or any Alternate Entity, subject to timely responses to requests for documents and information during the application investigation. The Board anticipates that it will take 60 days for Licensing Staff to review and issue a decision on the application, contingent upon Shiva Partners substantially complying with the terms contained herein;

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

11. The 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.

_____

Jeremy Eckert, WSBA #42596
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Seattle, Washington 98101-3299
Telephone: (206) 447-6284
Facsimile: (206) 447-9700
Email: eckej@foster.com
Attorney for Shiva Partners, LLC

8/28/14
DATE

Priyana Malik
Priyana Malik
Shiva Partners, LLC

8/26/14
DATE

Kim O'Neal, WSBA #12939
Assistant Attorney General
Attorney for Washington State
Liquor Control Board
Enforcement Division

8/29/14
DATE

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