**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

| | |
|---|---|
| IN THE MATTER OF:<br><br>DIVINE CORPORATION<br>d/b/a OSTP DIVINE 1<br><br>1368 HWY 395TH N<br>ADDY, WA 99101<br><br>APPLICANT<br><br>LICENSE APPLICATION NO. 076186<br>UBI: 328 054 342 001 0023 | LCB NO. L-25,098<br><br>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 a Statement of Intent to Deny Liquor License dated June 12, 2014 asserting that the Applicant did not meet the requirements of the definition of trade area because there was at least one location actively licensed at the time of application within twenty-miles of the applicant's location.

2. No request for a hearing was received from the Applicant.

3. 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 Statement of Intent to Deny Liquor License for case L-25,098 in this matter is ADOPTED.

IT IS HEREBY FURTHER ORDERED that the liquor license application for the added privileges of Spirits Retailer for Divine Corporation d/b/a OSTP Divine 1 is DENIED. This decision does not affect the Licensee's current grocery store liquor license for Beer/Wine Sales for Off-Premises.

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

WASHINGTON STATE LIQUOR CONTROL BOARD

Sharon Foster

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, Senior 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**

September 29, 2014

Divine Corporation
d/b/a OSTP Divine 1
203 W 3rd Ave
Spokane, WA 99201-3611

Sharon Hendricks
Compliance & Policy Manager,
WSLCB
PO Box 43098
Olympia, WA 98504-3098

**RE:** ***FINAL ORDER OF THE BOARD***
***APPLICANT: Divine Corporation***
***TRADE NAME: OSTP Divine 1***
***LOCATION: 1368 HWY 395th N, Addy, WA 99101***
***LICENSE NO. 076186***
***LCB HEARING NO. L-25,098***
***UBI: 328 054 342 001 0023***

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail in the above-referenced matter.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Linda Thompson, Licensing Supervisor, WSLCB
Bob Lucas, Liquor Enforcement Officer, WSLCB

**WASHINGTON STATE LIQUOR CONTROL BOARD**

| IN THE MATTER OF:<br><br>DIVINE CORPORATION<br>d/b/a OSTP DIVINE 1<br><br>1368 HWY 395TH N<br>ADDY, WA 99101-9648<br><br>APPLICANT<br><br>LICENSE APPLICATION NO. 076186<br>UBI: 328 054 342 001 0023 | LCB NO. L-25,098<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:

| | |
|---|---|
| DIVINE CORPORATION<br>d/b/a OSTP DIVINE 1<br>203 W 3RD AVE<br>SPOKANE, WA 99201-3611 | LIQUOR CONTROL BOARD<br>MAIL STOP 43098, LICENSING DIVISION<br>SHARON HENDRICKS,<br>POLICY AND COMPLIANCE MANAGER |
| DIVINE CORPORATION<br>d/b/a OSTP DIVINE 1<br>1368 HWY 395TH N<br>ADDY, WA 99101-9648 | |

DATED this 29th day of September, 2014, at Olympia, Washington.

Kevin McCarroll, Adjudicative Proceedings Coordinator