

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

In The Matter Of the Hearing Of:

BHAGAVATI, INC.
d/b/a HIGHLINE MARKET
23845 PACIFIC HWY S
DES MOINES, WA 98198

LICENSEE

UBI: 6018142110010001
TOBACCO VIOLATION NO. 201046A

OAH DOCKET NO. 2011-LCB-0043
LCB NO. T-536

FINAL ORDER OF THE BOARD

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

1. The Licensee timely submitted a request for an administrative hearing for Notice of Board Action on Tobacco Violation No. 201046A, issued February 16, 2011;
2. The Board issued a formal Complaint dated June 20, 2011 alleging that on or about February 3, 2011, the above-named Licensee, sold/supplied tobacco to a person under the age of eighteen (18), contrary to RCW 26.28.080 and is subject to the penalties set out in RCW 70.155.100(1) and (2);
3. A Pre-Hearing Conference was scheduled for 2:00 p.m. on August 15, 2011 before Administrative Law Judge Terry A. Schuh with the Office of Administrative Hearings; and
4. The Education and Enforcement Division of the Board was represented by Assistant Attorney General Timothy Ford appeared as scheduled;
5. The Licensee failed to appear as scheduled, and failed to make a timely request for a continuance;
6. On August 18, 2011 Administrative Law Judge Terry A. Schuh entered his Initial Order of Default which affirmed the Complaint;
7. No motion to vacate the default order was received;

FINAL ORDER OF THE BOARD
HIGHLINE MARKET
UBI: 601 814 211 001 0001
T-536

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Washington State Liquor Control Board
3000 Pacific Ave, S.E.
P.O. Box 43076
Olympia, WA 98504-3076
Phone: 360-664-1602

8. 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 Administrative Law Judge's Initial Order of Default is adopted as the Final Order of the Board.

IT IS HEREBY FURTHER ORDERED that the Complaint filed in this case is sustained and the above-named Licensee shall pay the monetary penalty of one hundred dollars (\$100) within 30 days of this order. Failure to comply with the terms of this order will subject the Licensee to further disciplinary action.

Payment in reference to this order should be sent to:

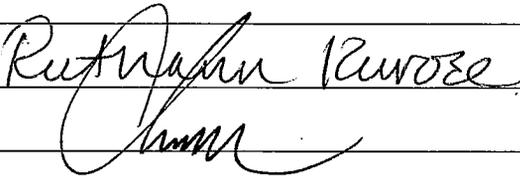
Washington State Liquor Control Board

P. O. Box 43085

Olympia, WA 98504-3085

DATED at Olympia, Washington this 20th day of SEPTEMBER, 2011.

WASHINGTON STATE LIQUOR CONTROL BOARD



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

FINAL ORDER OF THE BOARD
HIGHLINE MARKET
UBI: 601 814 211 001 0001
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Washington State Liquor Control Board
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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 21, 2011

Bhagavati, Inc
d/b/a Highline Market
26220 116th Ave SE
Kent, WA 98030-8663

Timothy Ford, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

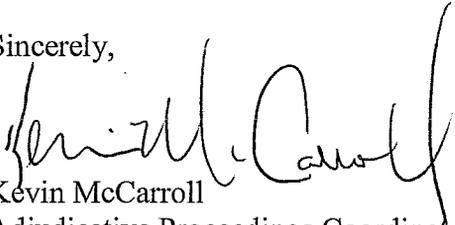
RE: Final Order of the Board
Licensee: Bhagavati, Inc
Trade Name: Highline Market
Location: 23845 Pacific Hwy S, Des Moines, WA 98198
LCB No. T-536
OAH No. 2011-LCB-0043
Administrative Violation Notice No. 201046A
License No. (UBI): 601 814 211 001 0001

Dear Parties:

Please find the enclosed Declaration of Service by Mail and a copy of the Final Order of the Board 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: Tukwila Enforcement and Education Division, WSLCB
Teresa Young, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

BHAGAVATI, INC
d/b/a HIGHLINE MARKET
23845 PACIFIC HWY S
DES MOINES, WA 98198-8740

LICENSEE

UBI NO. 601 814 211 001 0001
AVN NO. 201046A

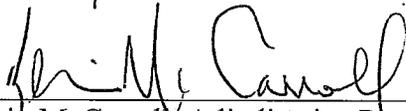
LCB NO. T-536
OAH NO. 2011-LCB-0043

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 Licensees; by Campus Mail for the Office of Attorney General, on the date below to:

BHAGAVATI, INC d/b/a HIGHLINE MARKET 26220 116 TH AVE SE KENT, WA 98030-8663	TIMOTHY FORD, ASSISTANT ATTORNEY GENERAL, GCE DIVISION OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100
BHAGAVATI, INC d/b/a HIGHLINE MARKET 23845 PACIFIC HWY S DES MOINES, WA 98198-8740	

DATED this 21st day of September, 2011, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE LIQUOR CONTROL BOARD

In The Matter Of:

BHAGAVATI, INC. dba
HIGHLINE MARKET

23845 Pacific Hwy S
Des Moines, WA 98198

Licensee
UBI No. 6018142110010001

OAH Docket No. 2011-LCB-0043
LCB Complaint No. T-536

INITIAL ORDER OF DEFAULT
DISMISSING LICENSEE'S
APPEAL FOR FAILURE TO
APPEAR

The above-captioned matter was scheduled for a prehearing conference by telephone on August 15, 2011, at 2:00 p.m., pursuant to due and proper notice to all interested parties.

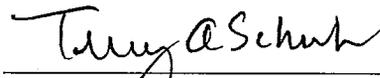
The Licensee named above did not appear for the prehearing conference or request a continuance.

The Liquor Control Board appeared and was represented by Timothy Ford, Assistant Attorney General.

The Liquor Control Board moved for an order of default dismissing this matter.

Now, therefore, it is ORDERED that the Licensee is in DEFAULT pursuant to RCW 34.05.440 and the appeal is hereby **DISMISSED**.

Signed and Issued at Tacoma, Washington, on the date of mailing.



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings

NOTICE OF RIGHT TO FILE A MOTION TO VACATE THE DEFAULT ORDER

The defaulted party may file a written motion requesting the Office of Administrative Hearings vacate the Default Order. Such a motion must be filed within seven (7) days from the date that the default order was mailed and must

include the reason why the default order should be vacated. RCW 34.05.440;
WAC 10-08-110.

Mail the Motion to Vacate Default to:

The Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

CERTIFICATION OF MAILING IS ATTACHED