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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. T-596

SHIV, INC. d/b/a
MILITARY CHEVRON
31980 MILITARY ROAD S
AUBURN, WA 98001

FINAL ORDER OF THE BOARD

LICENSEE

UBI NO. 601-672-481-001-0001

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 JUSTIN KJOLSETH, Assistant Attorney General, and the Licensee, SHIV INC. d/b/a MILITARY CHEVRON, and the parties having voluntarily entered into a stipulated settlement agreement for case number T-596, 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:

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1 IT IS HEREBY ORDERED that the complaint for Case Number T-596 is sustained and
2 within thirty (30) days of this order the Licensee shall pay a monetary penalty of eighty dollars
3 (\$80.00) to:

4 Washington State Liquor Control Board
5 P.O. Box 43085
6 Olympia, WA 98504-3085

7 DATED this 13 day of NOVEMBER, 2014.

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9 WASHINGTON STATE LIQUOR CONTROL BOARD

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OCT 28 2014

Liquor Control Board
Board Administration

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8 **BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

9 IN THE MATTER OF:

LCB NO. T-596

10 SHIV INC. d/b/a
MILITARY CHEVRON

STIPULATED SETTLEMENT
AGREEMENT

11 31980 MILITARY ROAD S
AUBURN, WA 98001

12 LICENSEE

13 TVN NO. 2P3297A

14 UBI NO. 601-672-481-001-0001

15 The Washington State Liquor Control Board Education and Enforcement Division
16 (Enforcement) represented by its attorneys ROBERT W. FERGUSON, Attorney General, and
17 JUSTIN KJOLSETH, Assistant Attorney General, and the Licensee, SHIV INC., d/b/a
18 MILITARY CHEVRON (Licensee) through its representative DAVID MALIK, hereby enter
19 into this stipulated settlement agreement for Liquor Control Board Case T-596.

20 **I. INTRODUCTION**

21 1. The Washington State Liquor Control Board Education and Enforcement
22 Division issued an Administrative Violation Notice No. 2P3297A ("AVN") on October 24,
23 2013, to the above-named Licensee specifying the following violation of the Washington State
24 Liquor Act:

25 On or about October 24, 2013, the above-named Licensee, and/or employee(s)
26 thereof, sold, or permitted to be sold, a tobacco product to a person under the
age of 18 years, contrary to RCW 26.28.080.

STIPULATED SETTLEMENT
AGREEMENT

1

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

ORIGINAL

1 2. Enforcement and the Licensee wish to enter into a settlement agreement concerning the
2 above-referenced AVN.

3 **II. AGREEMENT OF THE PARTIES**

4 Enforcement and the Licensee agree to the following:

5 1. Enforcement and the Licensee enter into this agreement to avoid the time and
6 expense of further litigation. The Licensee explicitly waives the right of further administrative
7 review of all matters related to this violation. The Licensee hereby voluntarily withdraws its
8 request for a hearing on this matter.

9 2. The Licensee admits to the violations in the above-referenced AVN, that is, on
10 or about October 24, 2013, the above-named Licensee, or an employee(s) thereof, sold, or
11 permitted to be sold, a tobacco product to a person under the age of 18 years, contrary to
12 RCW 26.28.080.

13 3. The parties agree that the standard penalty for a first violation within a two year
14 period for selling, giving, or otherwise supplying tobacco to a person under eighteen (18) years
15 of age is a one hundred dollar (\$100) monetary penalty, pursuant to RCW 70.155.100.

16 4. The parties agree that the penalty for the above-mentioned AVN shall be an
17 eighty dollar (\$80) monetary penalty.

18 5. The Licensee shall pay the monetary penalty of eighty dollars (\$80) no later
19 than thirty (30) days after the date of the Final Order of the Board. Payment shall be sent to:

20 Washington State Liquor Control Board
21 P.O. Box 43085
Olympia, WA 98504-3085

22 6. If the Licensee subsequently fails to make a full and timely payment of the
23 penalty as required in Section II, Paragraph 4 then the standard penalty of a one hundred dollar
24 (\$100) penalty shall be imposed.

25 7. The parties recognize that this settlement agreement is subject to approval by
26 the Washington State Liquor Control Board.

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

ROBERT W. FERGUSON
Attorney General


JUSTIN KJOLSETH, WSBA #46859
Assistant Attorney General
Attorneys for LCB Enforcement

Dated: 10-14-14


DAVID MALIK
SHIV, INC.
d/b/a MILITARY CHEVRON

Dated: 10-13-14



Washington State
Liquor Control Board

November 13, 2014

David Malik
Shiv, Inc.
d/b/a Military Chevron
26220 116th Ave SE Ste 201
Kent, WA 98030-8663

Justin Kjolseth, 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: Shiv, Inc.

Trade Name: Military Chevron

Location: 31980 Military Rd S, Auburn, WA 98001-3120

License No. (UBI): 6016724810010001

LCB Hearing No. T-596

Tobacco Violation No. 2P3297A

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, as well as a copy of the Stipulated Settlement Agreement.

The applicable monetary penalty is due by December 15, 2014. The address for payments is WSLCB, P.O. Box 43085, Olympia, WA 98504-3085. Please label the check with your License Number and Tobacco Violation Notice Number listed above. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Federal Way Enforcement and Education Division, WSLCB
Jamie Marshall, Tobacco Violations Coordinator, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SHIV, INC.
d/b/a MILITARY CHEVRON
31980 MILITARY RD S
AUBURN, WA 98001-3120

LICENSEE

UBI NO. 601 672 481 001 0001
TVN NO. 2P3297A

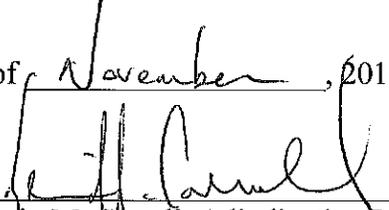
LCB NO. T-596

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:

DAVID MALIK SHIV, INC. d/b/a MILITARY CHEVRON 26220 116 TH AVE SE STE 201 KENT, WA 98030-8663	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100 GCE DIVISION JUSTIN KJOLSETH, AAG
DAVID MALIK SHIV, INC. d/b/a MILITARY CHEVRON 31980 MILITARY RD S AUBURN, WA 98001-3120	

DATED this 13th day of November, 2014, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator