

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SHIVA PARTNERS LLC
d/b/a 7-ELEVEN #39637A

18010 E VALLEY HWY
KENT, WA 98032-2502

LICENSEE

UBI: 603-107-141-001-0001
TOBACCO VIOLATION NO. 2K4337A

OAH DOCKET NO. 03-2015-LCB-00043
LCB NO. T-608

FINAL ORDER OF THE BOARD

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

1. The Board issued a Complaint dated February 9, 2015 alleging that on or about December 3, 2014, the above-named Licensee, or employee(s) thereof, sold and/or supplied a person with cigarettes not in their original unopened package or container, contrary to RCW 70.155.040 and is subject to the penalty set out in RCW 70.155.100(2)(c)(i).
2. The Licensee timely requested an administrative hearing.
3. A Pre-Hearing Conference was scheduled for 9:00 a.m. on April 10, 2015 before Administrative Law Judge TJ Martin with the Office of Administrative Hearings.
4. The Enforcement and Education Division of the Board was represented by Assistant Attorney General Susie Giles-Klein who appeared as scheduled. The Licensee Shiva Partners LLC failed to appear as scheduled and failed to make a request for a continuance.
5. On April 10, 2015 Administrative Law Judge TJ Martin entered his Order Dismissing Appeal holding that the Licensee was in default and dismissed the appeal.
6. The Licensee, through Attorney Patrick Hanis, filed a Petition to Vacate Default Dismissing Appeal which was received at OAH on April 21, 2015.

FINAL ORDER OF THE BOARD
SHIVA PARTNERS
d/b/a 7-ELEVEN #39637A
UBI: 603-107-141-001-0001
T-608

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Washington State Liquor Control Board
3000 Pacific Ave, S.E.
P.O. Box 43076
Olympia, WA 98504-3076
Phone: 360-654-1602

7. On May 20, 2014 Administrative Law Judge TJ Martin issued an Order Denying Licensee's Motion to Vacate Default Order.

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 case T-608 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.

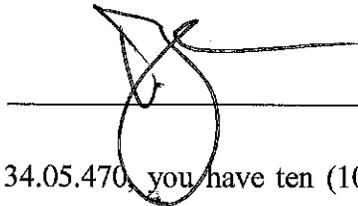
Payment in reference to this order should be sent to:

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

DATED at Olympia, Washington this 7th day of July, 2015.

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
FINAL ORDER OF THE BOARD 2
SHIVA PARTNERS
d/b/a 7-ELEVEN #39637A
UBI: 603-107-141-001-0001
T-608

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

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

July 8, 2015

Patrick M. Hanis
Hanis Irvine Prothero PLLC
6703 S 234th St Ste 300
Kent, WA 98032-2903

Shiva Partners LLC
d/b/a 7-Eleven #39637A
26220 116th Ave SE Ste 201
Kent, WA 98030-8663

Susie Giles-Klein, 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: Shiva Partners LLC
Trade Name: 7-Eleven #39637A
Location: 18010 E Valley Hwy, Kent, WA 98030
License No. (UBI): 603 107 141 001 0001
LCB Hearing No. T-608
OAH No. 03-2015-LCB-00043
Tobacco Violation No. 2K4337A

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

The applicable monetary penalty is due by Monday, August 10, 2015. 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 (2)

cc: Federal Way Enforcement and Education Division, WSLCB
Kendra Boyd, Enforcement and Education Headquarters, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602
www.liq.wa.gov

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

SHIVA PARTNERS LLC
d/b/a 7-ELEVEN #39637A

18010 E VALLEY HWY
KENT, WA 98032-2502

LICENSEE

UBI NO. 603 107 141 001 0001
TVN NO. 2K4337A

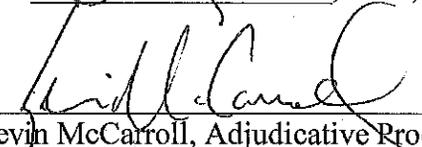
LCB NO. T-608
OAH NO. 03-2015-LCB-00043

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

PATRICK M HANIS HANIS IRVINE PROTHERO PLLC 6703 S 234 TH ST STE 300 KENT, WA 98032-2903	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100 GCE DIVISION SUSIE GILES-KLEIN, AAG
SHIVA PARTNERS LLC d/b/a 7-ELEVEN #39637A 26220 116 TH AVE SE STE 201 KENT, WA 98030-8663	SHIVA PARTNERS LLC/7-ELEVEN INC d/b/a 7-ELEVEN #39637A PO BOX 219088 DALLAS, TX 75221-9088

DATED this 8th day of July, 2015, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator