

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

PRABHA MALIK

INDIVIDUAL

TOBACCO VIOLATION NO. 2K4337A

OAH DOCKET NO. 03-2015-LCB-00044  
LCB NO. T-609

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 employee of a Licensee sold and/or supplied a person with cigarettes not in their original unopened package or container, contrary to RCW 70.155.040.
2. The Individual 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 Individual Prabha Malik 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 Individual, through Attorney Patrick Hanis, filed a Petition to Vacate Default Dismissing Appeal which was received at OAH on April 21, 2015.
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.

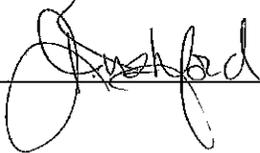
IT IS HEREBY FURTHER ORDERED that the Complaint filed in case T-609 is sustained and the above-named Individual shall pay the monetary penalty of fifty dollars (\$50.00) within 30 days of this order. Failure to comply with the terms of this order will subject the Licensee to further disciplinary action.

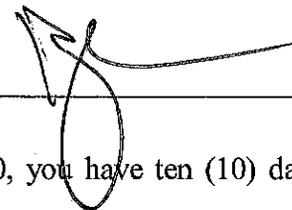
Payment in reference to this order should be sent to:

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

DATED at Olympia, Washington this 7<sup>th</sup> day of July, 2015.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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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**

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July 8, 2015

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

Prabha Malik  
16925 SE 224<sup>th</sup> St  
Kent, WA 98042-7204

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**

**Individual: Prabha Malik**

**LCB Hearing No. T-609**

**OAH No. 03-2015-OAH-00044**

**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 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](http://www.liq.wa.gov)

**WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

PRABHA MALIK

INDIVIDUAL

TOBACCO VIOLATION 2K4337A

LCB NO. T-609

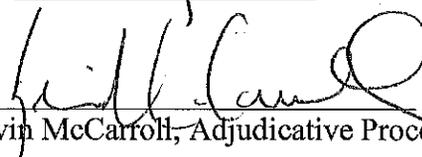
OAH NO. 03-2015-LCB-00044

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 <sup>TH</sup> ST STE 300 KENT, WA 98032-2903	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100 GCE DIVISION SUSIE GILES-KLEIN, AAG
PRABHA MALIK 16925 SE 224 <sup>TH</sup> ST KENT, WA 98042-7204	PRABHA MALIK c/o 7-ELEVEN #39637A 26220 116 <sup>th</sup> AVE SE STE 201 KENT, WA 98030-8663

DATED this 8<sup>th</sup> day of July, 2015, at Olympia, Washington.

  
Kevin McCarroll, Adjudicative Proceedings Coordinator