1		FILED
2		DEC 1 4 2016
3		SONYA KRASKI
4		COUNTY CLERK SNOHOMISH CO. WASH.
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7		WASHINGTON NTY SUPERIOR COURT
8	STATE OF WASHINGTON, <i>ex rel.</i> ,	NO. 16-2-02899-1
9	Washington State Department of Financial Institutions,	
10	Petitioner,	AMENDED COMPLAINT FOR PERMANENT INJUNCTION AND
11	v.	OTHER RELIEF
12	JASON NELSON, and VEND-A- FUTURE OF SEATTLE, LTD,	
13 14	Respondents.	\cdot
14 15		IDF OF ACTION
16		JRE OF ACTION
10		TON commences this action against Respondents
		UTURE OF SEATTLE, LTD (VAF) (collectively
18		eeks a permanent injunction against Respondents
19 20		s Opportunity Fraud Act (the Act), RCW 19.110
20	and other relief as allowed under RCW 19.110	
21		ND JURISDICITON
22		nomish County Superior Court pursuant to
23 24		as jurisdiction pursuant to RCW 7.40.010, and
24 25	RCW 19.110.160(1).	
25 26	· · · ·	PARTIES
26	3. Petitioner is the State of Washi	ington.
	COMPLAINT FOR PERMANENT	1 ATTORNEY GENERAL OF WASHINGTON 1125 Washington Street SE

INJUNCTION AND OTHER RELIEF

4. The Department of Financial Institutions (DFI) is an agency of the state of Washington, with its headquarters located at 150 Israel Road SW, Tumwater, Washington 98501. DFI is charged with administering the Act.

5. Respondent Jason Nelson (Nelson) is a resident of Kirkland, King County, Washington and the sole shareholder and principal of Vend-A-Future of Seattle, Ltd.

6. Respondent Vend-A-Future of Seattle, Ltd. (VAF) is registered as a Nevada corporation with its principal place of business located at 822 2nd Ave., Kirkland, Washington. It is registered with the Washington State Secretary of State to conduct business in the state of Washington. Its Washington registered agent is identified as Jason Nelson in filings with the Secretary of State.

IV. FACTS

7. Nelson and VAF offer and sell vending machine businesses in Snohomish, King, and Pierce Counties. The sale of the vending machine business includes the vending machine and right to operate the machine at a particular location.

8. However, neither Nelson nor VAF owned the locations on which the vending machine would operate that is relevant to this complaint.

17 9. Nelson and VAF's sale of vending machine businesses constitute "business
18 opportunities" as defined in RCW 19.110.020.

19 10. Under the Business Opportunity Act, Chapter 19.110 RCW, Nelson and VAF
20 were subject to the following requirements:

• Registration with DFI prior to advertising, or selling a business opportunity, including filing any advertisement they plan to use with DFI prior to use. RCW 19.110.050.

• Providing a prospective purchaser with a written disclosure document fortyeight hours prior to the purchaser signing a business opportunity contract. Such disclosure must provide detailed information about the seller, and a copy of any

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

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7	STATE OF WASHINGTON SNOHOMISH COUNTY SUPERIOR COURT
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9	STATE OF WASHINGTON, ex rel.,NO. 16-2-02899-1Washington State Department of Financial Institutions,No. 16-2-02899-1
10	AMENDED COMPLAINT FOR Petitioner, PERMANENT INJUNCTION AND
11	v.
12	JASON NELSON, and VEND-A-
13	FUTURE OF SEATTLE, LTD,
14	Respondents.
15	I. NATURE OF ACTION
16	1. The STATE OF WASHINGTON commences this action against Respondents
17	JASON NELSON (Nelson) and VEND-A-FUTURE OF SEATTLE, LTD (VAF) (collectively
18	"Respondents"). The State of Washington seeks a permanent injunction against Respondents
19	to prohibit them from violating the Business Opportunity Fraud Act (the Act), RCW 19.110
20	and other relief as allowed under RCW 19.110.160.
21	II. VENUE AND JURISDICITON
22	2. Venue is proper in Snohomish County Superior Court pursuant to
23	RCW 4.12.025(1). The Superior Court has jurisdiction pursuant to RCW 7.40.010, and
24	RCW 19.110.160(1).
25	III. PARTIES
26	3. Petitioner is the State of Washington.
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COMPLAINT FOR PERMANENT INJUNCTION AND OTHER RELIEF

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7. Nelson and VAF offer and sell vending machine businesses in Snohomish, 12 King, and Pierce Counties. The sale of the vending machine business includes the vending 13 machine and right to operate the machine at a particular location. 14

8. However, neither Nelson nor VAF owned the locations on which the vending 15 machine would operate that is relevant to this complaint. 16

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

statement concerning the estimated or projected sales and the data such sales are based on, among other items. RCW 19.110.070.
Providing business opportunity purchasers with contracts which include statutorily required notifications, including the necessity of receiving the required disclosure document at least forty-eight hours before signing the

contract. RCW 19.110.110(4).

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11. VAF was registered with DFI to sell business opportunities from February 4, 2013 until February 4, 2014, and from March 17, 2014 until March 17, 2015. Nelson was not individually registered with DFI during those time periods.

12. Neither VAF nor Nelson has been registered with the State since March 17, 2015.

13. As part of its registration information submitted to DFI on March 10, 2015,Respondents disclosed they sold approximately 35 business opportunities as defined by the Act.

14. Upon information and belief, Respondents advertised and/or offered for sale business opportunities prior to being registered to do so as was required by state law.

15. Upon information and belief, Respondents sold at least one business opportunity prior to their registration in February, 2013, and at least six business opportunities after VAF's registration had lapsed on March 17, 2015.

16. Upon information and belief, Respondents continued to advertise on Craigslist the sale of business opportunities since VAF's registration expired on March 17, 2015.

17. Upon information and belief, between January 31, 2013 and April, 2016,
Respondents sold at least nineteen business opportunities.

18. Upon information and belief, Respondents sold Joy and John Swapp a business
opportunity on or about January 31, 2013 in the amount of approximately \$13,500.00.

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER RELIEF

19. Upon information and belief, Respondents sold Fatima and Luis Garcia a business opportunity in or about February 2013 in the amount of approximately \$3,600.00.

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20. Upon information and belief, Respondents sold Elizabeth Perrin a business opportunity in or about February 2013 in the amount of approximately \$4,500.00.

5 21. Upon information and belief, Respondents sold Mike Nielson a business
6 opportunity in or about February 2013 in the amount of approximately \$4,847.00.

7 22. Upon information and belief, Respondents sold Youly Tan a business
8 opportunity in or about April 2013 in the amount of approximately \$16,000.00.

9 23. Upon information and belief, Respondents sold Thomas Binde a business
10 opportunity in or about August 2013 in the amount of approximately \$4,600.00.

11 24. Upon information and belief, Respondents sold Ronald Swafford a business
12 opportunity in or about September 2013 in the amount of approximately \$10,800.00.

13 25. Upon information and belief, Respondents sold Lyle Wallace a business
14 opportunity in or about November 2013 in the amount of approximately \$9,000.00.

15 26. Upon information and belief, Respondents sold Michael Hagy a business
16 opportunity in or about February 2014 in the amount of approximately \$4,714.00.

17 27. Upon information and belief, Respondents sold Kenneth Gong and Maggie Lau
18 a business opportunity in or about March 2014 in the amount of approximately \$6,000.00.

19 28. Upon information and belief, Respondents sold Fatima Benlyazid a business
20 opportunity in or about June 2014 in the amount of approximately \$7,105.00.

21 29. Upon information and belief, Respondents sold Knut Hanson a business
22 opportunity in or about September, 2014 in the amount of approximately \$11,110.00.

30. Upon information and belief, Respondents sold Crystal Vincent a business
opportunity in or about October 2014 in the amount of approximately \$6,000.00.

31. Upon information and belief, Respondents sold Robin and Laura Hayward a
business opportunity in or about May 2015 in the amount of approximately \$32,147.00.

32. Upon information and belief, Respondents sold Saroj and Rahul Motwani a 1 business opportunity in or about May 2015 in the amount of approximately \$1,775.00.

33. Upon information and belief, Respondents sold Ivy and Craig Adams a business 3 opportunity in or about July 2015 in the amount of approximately \$13,623.00. 4

34. Upon information and belief, Respondents sold Dennis Anderson a business opportunity in or about July 2015 in the amount of approximately \$10,000.00.

35. Upon information and belief, Respondents sold Antonio Garcia a business opportunity in or about March 2016 in the amount of approximately \$3,000.00.

36. Upon information and belief, Respondents sold Michael Eckles a business 9 opportunity in or about April 2016 in the amount of approximately \$25,000.00. 10

37. Upon information and belief, between January 31, 2013 and May, 2015, Respondents failed to provide at least nineteen purchasers with a written disclosure document, as required in RCW 19.110.070, within the statutory forty-eight hours before the purchaser signed a business opportunity contract.

38. Upon information and belief, between January 31, 2013 and May, 2015, 15 Respondents entered into at least nineteen contracts to sell business opportunities that did not 16 contain the required notifications language as required in RCW 19.110.110. 17

39. Upon information and belief, Respondents provided untrue and/or misleading 18 information in connection with at least nineteen business opportunity sales, sold between 19 January 31, 2013 and April, 2016. Respondents provided inflated estimated sales, failed to 20 disclose the identities of previous purchasers or their reasons for selling the machines, did not provide the data on which the estimations were based, and did not provide an explanation of the extent to which the data related to the actual operation of the business opportunity offered 23 to the purchaser. 24

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40. Upon information and belief, Respondents induced at least nineteen purchasers
 to purchase a business opportunity from them because of their misleading or false statements
 and/or their failure to disclose information as required by RCW 19.110.070.

4 41. Upon information and belief, at least nineteen purchasers would not have
5 purchased a business opportunity from Respondents had Respondents provided truthful
6 information and/or had Respondents provided accurate disclosure documents as required in
7 RCW 19.110.070.

8 42. Respondent Nelson has twice before entered into consent orders with DFI:
9 Consent Order Number S-07-220-08-CO01 entered July 13, 2009; and Consent Order Number
10 S-11-0814-12-CO01 entered September 13, 2012. Pursuant to those consent orders, Nelson
11 agreed to cease and desist from violating the Business Opportunity Fraud Act.

43. Respondent VAF has entered into one consent order with DFI in which it agreed
to cease and desist from violating the Business Opportunity Fraud Act: Consent Order Number
S-11-0814-12-CO01 entered September 13, 2012.

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V. RELIEF SOUGHT

A. PERMANENT INJUNCTION

44. Petitioner hereby realleges paragraphs 1 through 43 as are fully set forth above. 17 45. Nelson and VAF's actions. individually 18 and jointly. violated RCW 19.110.050(1) by offering and selling at least two business opportunities without being 19 registered with DFI to do so. 20

46. Nelson and VAF's actions, individually and jointly, violated RCW 19.110.070
by failing to provide at least nineteen business opportunity purchasers with the required written
disclosure document forty-eight hours prior to the purchaser signing a contract to purchase a
business opportunity from Respondents.

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Nelson and VAF's actions, individually and jointly, violated RCW 19.110.110 47. 1 by failing to provide at least nineteen business opportunity purchasers with contracts 2 containing language which met the requirements of RCW 19.110.110(4). 3

48. Nelson and VAF's actions, individually and jointly, violated RCW 19.110.120 4 by making untrue or misleading statements or omissions of material facts in connection with 5 the offer and sale of business opportunities in Washington. 6

Nelson and VAF's actions, individually and jointly, violated RCW 19.110.120 49. 7 by knowingly violating two previous consent orders which prohibited them from further 8 violations of the Business Opportunity Fraud Act. 9

50. Pursuant to RCW 19.110.160, the State of Washington is entitled to a 10 permanent injunction against Nelson and VAF, and their employees and agents from further 11 violating the Business Opportunity Fraud Act, Chptr. 19.110. 12

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B.

RESTORATION OF MONIES PAID

The State of Washington hereby realleges paragraphs 1 through 50 as are fully 51. 14 set forth above. 15

52. Pursuant to RCW 19.110.160, this Court is authorized to enter an order which 16 restores any person's money which may have been acquired through a prohibited or unlawful 17 act. 18

53. Nelson and VAF, individually and jointly, acquired money from at least nineteen purchasers through acts which are prohibited and/or unlawful under the Business **Opportunity Fraud Act.**

54. The nineteen known purchasers are entitled, at their option, to have their money 22 which was paid to Nelson and VAF, restored to them in amounts to be proven at hearing.

CIVIL PENALTIES С.

The State of Washington hereby realleges paragraphs 1 through as are fully set 55. 25 forth above. 26

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1	56.	RCW 19.110.160 provides that any person who violates this act is subject to a
2	civil penalty	not to exceed \$2,000.00 per violation.
3	57.	The State of Washington is entitled to recover civil penalties in an amount to be
- 4	proven at the	e hearing.
5	AS S	SUCH, the State of Washington hereby requests that the Court grant relief as
6	follows:	
7	1.	That Respondents Jason Nelson and Vend-A-Future of Seattle, Ltd., individually and jointly, as well as their employees and agents, be enjoined from
8		violating the Business Opportunity Fraud Act, RCW 19.110;
9	2.	That Nelson and VAF, jointly and severally, be ordered to restore any monies paid by the purchasers, at the purchaser's options, including any interest, less
10		any refund or resale proceeds from the sale of the machines;
11	3.	That Nelson and VAF, jointly and severally, be ordered to pay to the State of Washington a civil penalty in an amount to be determined;
12	4.	That Nelson and VAF, jointly and severally, be ordered to pay reasonable
13	-	attorney fees and costs to the State of Washington;
14	5.	That this Court retain jurisdiction over this matter, and;
15	6.	That the Court order such additional and further ancillary relief as the court deems appropriate.
16	DAT	ED this 12th day of December, 2016.
17 18		ROBERT W. FERGUSON
18		Attorney General
20		PENNY L. ALLEN, WSBA No. 18821
21		Senior Counsel Attorneys for Washington State
22		Auomeys for washington state
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1 2 3 4	FILED DEC 14 2016 SONYA KRASKI COUNTY CLERK SNOHOMISH CO. WASH.
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STATE OF W	WASHINGTON TY SUPERIOR COURT
STATE OF WASHINGTON, ex. rel.	No. 16-2-02899-1
Washington State Department of Financial Institutions,	DECLARATION OF SERVICE
Plaintiff,	
JASON NELSON AND VEND-A-FUTURE OF SEATTLE, LTD,	
Defendants.	
I certify that I served a true and correct	t copy of the following documents:
 Stipulation Allowing Amended C GR 17 Declaration of Faxed/Elec Amended Complaint for Permane And this Declaration of Service 	ctronically Transmitted Document
on all parties or their counsel of record on the	date below as follows:
JEFFREY C. WISHKO ANDERSON HUNTER LAW GROUI	P U.S. mail via state Consolidated Mail Service (with proper postage affixed)
PO BOX 5397 EVERETT, WA 98206-5397	courtesy copy via electronic mail: jwishko@andersonhunterlaw.com
I declare under penalty of perjury und	der the laws of the state of Washington that the
foregoing is true and correct.	•
DATED this 12th day of December, 20	016, at Olympia, Washington.
	MARLENA MULKINS, Legal Assistant
DECLARATION OF SERVICE	1 ATTORNEY GENERAL OF WASHINGTON 1125 Washington Street SE

AGREEMENT BETWEEN THE DEPARTMENT OF FINANCIAL INSTITUTIONS AND JASON NELSON AND VEND-A-FUTURE OF SEATTLE

The Washington State Department of Financial Institutions (Department) by and through its attorneys, Robert Ferguson, Attorney General and Penny L. Allen, Assistant Attorney General, and Jason Nelson and Vend-A-Future (collectively Respondents) enter into this agreement to resolve all issues presented by the Department's Amended Complaint for Permanent Injunction and Other Relief, Snohomish County Superior Court Docket No. 16-2-02899-1(the Action). The word "parties" used in this agreement shall refer to the Department and the Respondents.

Based on the foregoing and considering all other facts involved and the parties' respective legal rights, the parties, as a compromise of a disputed matter, agree and enter into the following as an economical and efficient method to resolve the Action:

- The Parties agree that the Respondents, as well as their employees and agents, shall not violate the Business Opportunity Fraud Act, RCW 19.110. The Respondents understand and agree that the definition of a Business Opportunity includes, but is not limited to, "brokering" sales between two other parties of vending machines located on premises that are not owned by the Respondents.
- 2. The Parties agree that a stipulated order will be entered in the Action which will enjoin the Respondents, individually and jointly, as well as their employees and agents from violating the Business Opportunity Fraud Act, RCW 19.110 and otherwise resolve this Action.
- 3. The Respondents will pay the Department a total of \$150,000.00 to be received no later than July 31, 2017 at 5 p.m. Payment may be made by cashier's check or wire transfer payable to the Washington State Treasurer, and delivered by certified mail to William Beatty, Securities Administrator, Department of Financial Institutions, PO Box 9033, Olympia WA 98507-9033.
- 4. The parties understand and agree that the Department has the sole discretion to allocate the \$150,000.00 payment between penalties, costs and restoration to purchasers named in the complaint (hereinafter "named purchases"). To the extent that a named purchaser still has a vending machine purchased from the Respondents, purchaser will have the option to keep the machine or receive a portion of the settlement amount. Returned machines will be returned to the Respondents. Respondents will be response for any costs in retrieving the machines. The Department will provide Respondents with information regarding the return of any machines as soon as possible, with updates regarding the status of machines to be returned every 30 days. Any portion of the \$150,000.00 payment not paid to named purchasers as restitution will be allocated toward penalties and costs at the Department's discretion.
- 5. Respondents understand that the Department is settling only its claims against the Respondents and that purchasers, whether named or unnamed in the complaint, or known or retain the right to litigate any claims. The Department also retains the right to file addition charges should it discover other purchasers

- 6. The Respondents understand that failure to abide by the terms and conditions of this agreement including the injunction in the stipulated order will result in further legal action, which may include additional penalties and that the Respondents will be responsible to reimburse the Department for costs incurred in pursuing such action including, but not limited to, attorney fees.
- 7. This agreement constitutes the final written expression of all the terms of this agreement and is a complete and exclusive statement of these terms.
- 8. The Parties declare that the terms of this Settlement Agreement are completely read, wholly understood, and voluntarily accepted for the purpose of making a full and final compromise and settlement of any and all claims arising from the Department's Amended Complaint for Permanent Injunction and Other Relief, Snohomish County Superior Court Docket No. 16-2-02899-1.

131/17 Date:

Date: 7-27-17

Robert W. Ferguson Attorney General

PENNÝ L. ALLEN Assistant Attorney General WSBA # 18821

JASON NELSON Individual and President of Vend-A-Future

1		FILED	
2		SEP 0 1 2017	
3		SONYA KRASKI	
4	, 44	COUNTY CLERK SNOHOMISH CO. WASH.	
5		WASHINGTON NTY SUPERIOR COURT	
6 7 8	STATE OF WASHINGTON, <i>ex rel.</i> , Washington State Department of Financial Institutions,	NO. 16-2-02899-1 AGREED JUDGMENT AND ORDER	summer of the fact
	Petitioner,		
9	v.	Clerk's Action Required	
10 11	JASON NELSON, AND VEND-A- FUTURE OF SEATTLE, LTD,		
12	Respondents.		
13	JUDGMENT SI	UMMARY (RCW 4.64.030)	
14	1. Judgment Creditor:	a di chia a la calendaria di calendaria di calendaria di calendaria di calendaria di calendaria di calendaria d	
		State of Washington	
15	2. Judgment Debtor:	Jason Nelson and Vend-A-Future, joint and severally	
16 17	3. Principal Amount of Judgment:	-0-	
17	4. Interest to Date of Judgment:	- 0 -	
18	5. Attorney Fees:	-0-	
19	6. Costs:	-0-	
20	28	Cheven Company of	
21	7. Other Recovery Amounts:	\$-0-	
22	8. Principal Judgment Amount shall bear inte	rest at 0% per annum.	
23	9. Attorney Fees, Costs and Other Recovery	Amounts shall bear Interest at 12% per annum.	
	10. Attorney for Judgment Creditor:	Penny L. Allen, Sr. Counsel	
24 25	11. Attorney for Judgment Debtor:	Jeffrey C. Wishko	
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1	The Petitioner, State of Washington, and the Respondents, Jason Nelson and Vend-A-Future of
2	Seattle, Ltd. (Respondents), have resolved this matter and agreed to enter this Agreed Order
3	and Judgment.
4	ORDER and JUDGMENT
5	Jason Nelson and Vend-A-Future of Seattle, Ltd., and their employees and agents, are each
6	enjoined from violating the Business Opportunity Fraud Act, Chptr. 19.110 RCW, including, but not limited to the following provisions:
7	1. RCW 19.110.050, the registration section of the Business Opportunity Fraud
8	 Act; 2. RCW 19.110.070, the disclosure document section of the Business Opportunity
9	Fraud Act; 3. RCW 19.110.110, the business opportunity contract section of the Business
10	 Opportunity Fraud Act, and/or; 4. RCW 19.110.120, the unlawful acts section of the Business Opportunity Fraud
11	Act.
12	AUG 3 0 2017
13	DATED this day of August, 2017.
14	LEE B. TINNEY COURT COMMISSIONER
	COURTCOMMICCIENT
15	
15 16	Judge
	Judge - HERETA - Last
16	Judge Judge Setson and Verale V Labor Set the former of the form and reponded from vicences of the form of the form and Rebuilty formed former of the form and Presented by:
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v." •

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