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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

THE STATE OF WASHINGTON,

Plaintiff,

NO. 19-1-01491-8 SEA

INFORMATION

v.

VRAJLAL PARSOTAM NARIYA

Defendant.

I, Robert W. Ferguson, Attorney General of Washington, in the name and by the authority of the State of Washington, pursuant to RCW 43.10.232 and at the request of Daniel T. Satterberg, King County Prosecuting Attorney, hereby allege VRAJLAL PARSOTAM NARIYA did commit the following crimes:

COUNT I

PERJURY IN THE SECOND DEGREE

On or about October 24, 2017, in King County, State of Washington, VRAJLAL PARSOTAM NARIYA, with intent to mislead a public servant, to wit: Janine Rees, did make a materially false statement, knowing such statement was false, under oath required or authorized by law, contrary to RCW 9A.72.030. (Class C felony with a maximum penalty of five (5) years imprisonment and/or a \$10,000 fine, pursuant to RCW 9A.20.021(1)(c), plus restitution, assessments and court costs.)

1 **COUNT II**

2 On or about July 5, 2017, as part of a continuing course of conduct, in the County of
3 King, State of Washington, VRAJLAL PARSOTAM NARIYA, did violate the Washington
4 Clean Air Act, based on a series of acts connected together with another crime charged herein,
5 and which crimes were so closely connected in respect to time, place and occasion that it would
6 be difficult to separate proof of one charge from proof of the other, to wit: knowingly caused or
7 allowed work on an asbestos project by persons not trained and certified in accordance with
8 standards established by the Washington State Department of Labor and Industries, in violation
9 of Puget Sound Clean Air Agency, Asbestos Control Standard 4.05(a); contrary to
10 RCW 70.94.430(1). (Maximum Penalty – 364 days in jail or \$10,000 fine, or both pursuant to
11 RCW 70.94.430(1), plus restitution, assessments and court costs.)
12

13 **COUNT III**

14 On or about July 5, 2017, as part of a continuing course of conduct, in the County of
15 King, State of Washington, VRAJLAL PARSOTAM NARIYA, did violate the Washington
16 Clean Air Act, based on a series of acts connected together with another crime charged herein,
17 and which crimes were so closely connected in respect to time, place and occasion that it would
18 be difficult to separate proof of one charge from proof of the other, to wit: knowingly caused or
19 allowed work on a renovation project that might disturb friable asbestos containing material
20 without first removing all such material, in violation of Puget Sound Clean Air Agency, Asbestos
21 Control Standard 4.04(a); contrary to RCW 70.94.430(1). (Maximum Penalty – 364 days in jail

22 ///

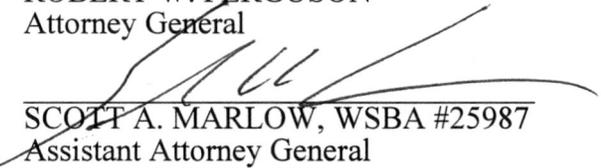
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1 or \$10,000 fine, or both pursuant to RCW 70.94.430(1), plus restitution, assessments and court
2 costs.)

3 DATED this 19th day of June, 2019.

4 ROBERT W. FERGUSON
5 Attorney General

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7 SCOTT A. MARLOW, WSBA #25987
8 Assistant Attorney General
9 Attorney for Plaintiff
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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

THE STATE OF WASHINGTON,

Plaintiff,

v.

VRAJLAL PARSOTAM NARIYA, an
individual

Defendant.

NO. 19-1-01491-8 SEA

AFFIDAVIT OF PROBABLE CAUSE

JOHN HUNTINGTON declares under penalty of perjury of the laws of the State of Washington that the following is true and correct:

I am a Senior Investigator with the Counsel for Environmental Protection of the Attorney General's Office (AGO-CEP) for the State of Washington located in Seattle, Washington. I am a retired Washington State Patrol Detective Lieutenant with over thirty years of criminal investigative experience. As an investigator with the AGO-CEP, I have as one of my primary responsibilities the investigation of environmental crimes that occur in the State of Washington.

The Honorable Daniel T. Satterberg, King County Prosecuting Attorney, granted the Washington State Office of Attorney General concurrent authority to investigate this case and conduct any prosecution arising from said investigation.

1 On December 15, 2003, VRAJLAL (Raj) PARSOTAM NARIYA filed with the
2 Secretary of State his application for a Limited Liability Company for the business name of SRI
3 Enterprise, LLC, and DBA Seattle Pacific Hotel. The business address is 323 Aurora Ave. N,
4 Seattle, WA. NARIYA was listed as the Registered Agent, and in 2014, he revised his position
5 as the Managing Member.

6 In April 2016, NARIYA received an asbestos survey from Arch Consulting Group, LLC
7 (ARCH) for the Seattle Pacific Hotel located at 323 Aurora Ave. N., Seattle, WA. 98109. The
8 survey revealed that asbestos was present in the building; testing confirmed asbestos in rooms
9 104, 220, and the third floor hallway. ARCH recommended that any work on the popcorn ceiling
10 be done with an asbestos contractor and any wall work comply with WISHA practices. NARIYA
11 received several bids to renovate the Seattle Pacific Hotel from S. D. Deacon, Affordable
12 Environmental and Protech Environmental. WG Clark and Baker Construction provided overall
13 general contracting bids.

14 Baker Construction was hired by NARIYA to be the general contractor for the project
15 and NARIYA did start work before Baker Construction officially began work. In May 2017,
16 4 Aces Restoration contracted by NARIYA to remove the remaining asbestos-containing
17 popcorn ceilings from the rooms and hallways of the hotel. The owners of 4 Aces Restoration
18 observed that the rooms had residual asbestos on the ceiling edges and floors, suggesting prior
19 improper asbestos work. 4 Aces also was hired by Baker Construction in a separate contract to
20 conduct non-asbestos demolition work, during which they observed ceiling material in the lobby
21 that they suspected contained asbestos. On June 21, 2017, Rigoberto Guillen, co-owner of 4 Aces
22 Restoration, took samples of suspected Asbestos Containing Material (ACM) found in the lobby
23 ceiling. The material tested positive for 40% asbestos. Mr. R. Guillen sent a bid for removal of
24 the ACM to Neha Nariya, NARIYA's daughter, but never heard back about the job. Neha Nariya
25 is the front desk manager for Seattle Pacific Hotel but was on bed rest due to her pregnancy and
26 was not answering e-mails. Oscar Guillen, R. Guillen's brother and 4 Aces co-owner, spoke to

1 NARIYA about the \$1,600 bid in person sometime between June 6, 2017 and July 5, 2017, and
2 NARIYA countered with \$1,000 to complete the job. Oscar Guillen told NARIYA he would
3 confer with his brother but declined the offer. Both Guillen brothers stated during their LNI
4 interviews that the next time they were at the Seattle Pacific Hotel job site the ACM was removed
5 and debris was all over the lobby.

6 NARIYA hired Baker Construction on January 18, 2017, to oversee the renovations of
7 the Seattle Pacific Hotel and the company assigned John Hare as the superintendent of the
8 project. Mr. Hare was aware of the ACM found in the lobby ceiling and spoke to NARIYA about
9 the issue on July 5, 2017. Mr. Hare asked specifically if NARIYA had hired 4 Aces Restoration
10 to remove the ACM and NARIYA replied that he had hired them to abate the asbestos. Later the
11 same day Mr. Hare observed that the roofers from Allied Roofing were removing the ACM in
12 the lobby and not the asbestos-trained contractors. NARIYA hired Allied Roofing prior to Baker
13 Construction to repair the roof at Seattle Pacific Hotel. He saw that the roofers were not
14 following proper asbestos abatement procedures when removing the ACM. Mr. Hare took
15 photographs and then notified the Washington State Department of Labor and Industries (LNI).

16 The Allied Roofing workers told the LNI inspectors they placed all of the ACM in the
17 Allied Roofing truck parked on site. NARIYA arrived on site later in the inspection and denied
18 being the owner when asked by Compliance Supervisor Jacomme. NARIYA refused to give his
19 name when he finally said he was the owner and swore at the inspectors. NARIYA claimed that
20 he was the only one who removed the ACM and the roofing contractor did not clean up the
21 lobby. During the inspection of the Seattle Pacific Hotel site, the LNI inspectors determined that
22 NARIYA failed to provide LNI or Puget Sound Clean Air Authority (PSCAA) with the required
23 10-day notification of ACM removal as required by PCSAA section 4.03 Notification of
24 Asbestos removal:

25 (a) General Requirements
26

1 It shall be unlawful for any person to cause or allow any work on an asbestos project
2 or demolition unless a complete notification, including the appropriate
3 nonrefundable fee and any additional information requested by the Control Officer,
4 has been submitted to the Agency in accordance with the waiting period and fee
5 requirements in Section 4.03(d) of this regulation. Except for the annual notification
6 requirements in Section 4.03(a)(7) of this regulation, the notification must be
7 submitted on approved forms through the Agency website.

8 (5) All demolitions require a 10-day waiting period unless waived under Section
9 4.03(c)(1) of this regulation.

10 Compliance Supervisor Jacomme collected samples of suspected ACM from the work
11 site in the lobby and submitted them to NVL Laboratories, Inc. for testing. The samples taken
12 from the lobby and from the workers truck tested positive for 24% and 20% Chrysotile Asbestos.
13 Compliance Supervisor Jacomme confirmed the Allied Roofing workers who had removed the
14 ACM and placed it in the Allied Roofing truck were not asbestos certified workers.

15 On July 19, 2017, Compliance Supervisor Jacomme and Safety Inspector 2 Brawner
16 returned to the Seattle Pacific Hotel for a follow-up inspection. NARIYA met them on site and
17 was apologetic about his demeanor last time they were there. NARIYA stated to Jacomme and
18 Brawner that NARIYA told the roofers to push everything down from the ceiling, including
19 material he knew contained asbestos.

20 On October 24, 2017, Industrial Hygienist 4 Janine Rees subpoenaed NARIYA for a
21 certified interview with LNI. Court Reporter Terri Fisher from Capital Pacific Reporting, Inc.
22 administered an oath and affirmation pursuant to RCW 5.28.010 to NARIYA. During this
23 statement, made under oath, NARIYA said that he did all of the asbestos-related work in the
24 lobby himself and never told Compliance Supervisor Jacomme that he instructed anyone else to
25 remove the ACM. RCW 9A.72.030 states:

26 a person is guilty of perjury in the second degree if, in an examination under oath
under the terms of a contract of insurance, or with intent to mislead a public
servant in the performance of his or her duty, he or she makes a materially false
statement, which he or she knows to be false under an oath required or authorized
by law.

Chapter 70.94 of the Revised Code of Washington governs abatement of asbestos in
Washington State. That Chapter authorizes the establishment of Air Pollution Control

1 Authorities, which can, in turn, adopt rules and regulations for abatement of asbestos within the
2 geographic enforcement borders of that Authority. See RCW 70.94.141. King County is within
3 the geographic enforcement border of the PSCAA. PSCAA provides for the uniform
4 administration rules and enforcement of these regulations and to administer the requirements
5 and purposes of RCW, as amended, and the Federal Clean Air Act. Article 4 of the PSCAA
6 Rules and Regulations addresses asbestos and sets forth required standards applicable to asbestos
7 work in King County. Failure to comply with those rules and regulations is a gross misdemeanor
8 pursuant to RCW 70.94.430.

9 Based on the facts set forth in this affidavit, there is probable cause to believe that
10 VRAJLAL PARSOTAM NARIYA on or about July 5, 2017 committed the crimes of:

11 1. WASHINGTON CLEAN AIR ACT (Gross Misdemeanor) – 1 Count

12 RCW 70.94.430(1)

13 Violation of PCSAA section 4.03 (a)(5) - Notification of Asbestos removal

14 Based on the facts set forth in this affidavit, there is probable cause to believe that
15 VRAJLAL PARSOTAM NARIYA on or about October 24, 2017 committed the crimes of:

16 2. PERJURY IN THE 2nd DEGREE (Class C Felony) – 1 Count

17 RCW 9A.72.030

18
19 I certify (or declare) under penalty of perjury under the laws of the State of Washington
20 that the foregoing is true and correct.

21
22 DATED this 19 day of June, 2019 at Kitap County, Washington.

23
24 
25 JOHN A. HUNTINGTON, Sr. Investigator
26