

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF  
  
NOOKSACK INDIAN TRIBE  
NOOKSACK'S NORTHWOOD  
CROSSING CASINO  
9750 NORTHWOOD ROAD  
LYNDEN, WA 98264

OAH NO. 2007-LCB-0029  
LCB NO. 22,751

FINAL ORDER OF THE BOARD  
FOLLOWING REMAND  
GRANTING LICENSE

LICENSE APPLICANT

License No. 400779

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The above entitled matter coming before the Board for its consideration and a final order in this matter.

**I. PROCEDURAL BACKGROUND:**

1. This licensing matter was initially heard and decided by the Board on May 4, 2007. Following that matter, the decision was reviewed by the Superior Court and remanded to the Board for additional information and consideration by the Board through stipulation and agreed order for remand on October 2, 2007.
2. The Board received a request from the Tribe for a temporary license on October 4, 2007. After consideration the Board denied the request by order dated October 25, 2007.
3. In accord with the Court's remand, an administrative hearing involving the parties was held on November 5, 2007 and November 6, 2007, before Administrative Law Judge Veronica Alicea-Galvin.
4. The Tribe had opened its facility on November 13, 2007.

5. The Administrative Law Judge issued a proposed initial order for the Board's consideration on December 13, 2007, recommending a license be issued to the Tribe.
6. In accord with RCW 34.05, (The APA), the Board issued an Order on December 13, 2007, the parties having ten business days to file exceptions to the initial order with the Board and five business days to respond to exceptions.
7. Following the Administrative Law Judge's issuance of the initial order, the tribe again requested a temporary license, and the Board granted the temporary license pending the Board's review and issuance of a final order on December 14, 2007.
8. Whatcom County filed exceptions to the proposed initial order with the Board on December 27, 2007.
9. The Licensing and Regulation Division filed its reply to the County's exceptions on January 4, 2008.
10. The Tribe filed its reply to the County's exceptions on January 4, 2008.

The Board reviewed and considered the entire record, including the recent initial order, exceptions, and responses filed by the parties.

## **II. ORDER**

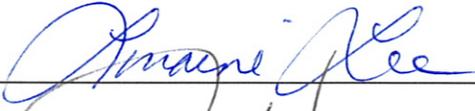
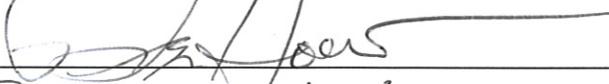
After consideration of the entire record of this matter, which includes the totality of the evidence presented during the formal hearing on November 5 and November 6, 2007, the ALJ's initial order, and the exceptions, and replies to the exceptions filed by the parties, the Board agrees with the ALJ's findings and conclusions that evidence presented at the hearing and contained in the record of this matter supports the Board's initial determination and that a license should be granted. NOW THEREFORE,

IT IS HEREBY ORDERED that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Initial Order made and entered in this matter be affirmed, and the ALJ's

Initial Order as entered in this matter be adopted as the final decision of the Board and the license number 400779 is granted.

DATED at Olympia, Washington this 11<sup>th</sup> day of January, 2008.

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. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order or (b) there is specific material error of fact or law. 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 Linda Moran, 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).