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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,657

MT. BAKER SKI AREA, INC. d/b/a MT.
BAKER SKI AREA – WHITE SALMON

FINAL ORDER OF THE BOARD

MILEPOST #52, MT. BAKER HIGHWAY
GLACIER WA 98244,

[PROPOSED]

LICENSEE

LICENSE NO. 078723
AVN NO. 3A0062A

THIS MATTER having come before the Washington State Liquor Control Board (Board) and the Washington State Liquor Control Board Education and Enforcement Division (Enforcement), having been represented by its attorneys, ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, MT. BAKER SKI AREA, INC., through its representative, DUNCAN HOWAT, and the parties having voluntarily entered into a stipulated settlement agreement for LCB No. 23,657, arising from Administrative Violation Notice (AVN) No. 3A0062A, the Board having considered the stipulated settlement agreement and Enforcement’s Memorandum recommending acceptance of the stipulated settlement agreement, and the Board having had the opportunity to review the file materials maintained in this case, now therefore:

1 IT IS HEREBY ORDERED that the allegation set forth in AVN No. 3A0062A is
2 deferred until April 1, 2011, and if the Licensee continues its actions identified in Section II,
3 Paragraph 6 of the settlement agreement and does not receive a new AVN for a violation of
4 RCW 66.44.100 and WAC 314-11-015(1)(a) then the above-referenced AVN will be
5 dismissed on April 1, 2011. However, if the Licensee receives an AVN, for a violation of
6 RCW 66.44.100 and WAC 314-11-015(1)(a) prior to April 1, 2011, then the Board will sustain
7 the above-referenced AVN and the Licensee shall pay a monetary penalty of five hundred
8 dollars (\$500.00) or serve a 5-day suspension of its liquor license. If the Licensee is required
9 to pay the five hundred dollar monetary penalty, it shall send the payment to:

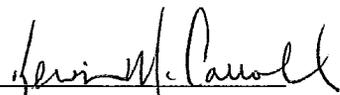
10 Washington State Liquor Control Board
11 PO Box 43085
12 Olympia, WA 98504-3085

13 In the event the Licensee is ordered to pay a monetary penalty in this matter and fails to
14 make a full and timely payment of the monetary penalty, the Licensee shall serve a five (5) day
15 suspension of its liquor license, the dates and time of which shall be set by the Washington
16 State Liquor Control Board.

17 DATED this 23 day of November, 2010.

18 WASHINGTON STATE LIQUOR CONTROL BOARD

19 

20 Ruthann Kurose 
21 per telephonic approval
22 _____
23
24
25
26

RECEIVED

NOV 19 2010

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

LCB NO. 23,657

MT. BAKER SKI AREA, INC. d/b/a MT.
BAKER SKI AREA – WHITE SALMON

STIPULATION AND
SETTLEMENT AGREEMENT

MILEPOST #52, MT. BAKER HIGHWAY
GLACIER WA 98244,

LICENSEE.

LICENSE NO. 078723
AVN NO. 3A0062A

The Washington State Liquor Control Board Education and Enforcement Division (Enforcement) represented by its attorneys, ROBERT M. MCKENNA, Attorney General, and BRIAN J. CONSIDINE, Assistant Attorney General, and the Licensee, MT. BAKER SKI AREA, INC., through its representative, DUNCAN HOWAT, hereby enter into this stipulated settlement agreement for Liquor Control Board Case Number 23,657.

I. INTRODUCTION

1. The Enforcement Division issued an amended Administrative Violation Notice No. 3A0062A (AVN) to the above-named Licensee alleging that on or about February 6, 2010, the above-named Licensee, or an employee thereof, allowed open container violations to occur and failed to prevent person(s) from consuming liquor in its parking lot, contrary to RCW 66.44.100 and WAC 314-11-015(1)(a).

1 7. In recognition of the Licensee's actions identified in Section II, Paragraph 6, the
2 parties agree to have the Board defer any action on the above-reference AVN until April 1,
3 2011, and can dismiss the AVN on April 1, 2011, if the Licensee continues its actions
4 identified in Section II, Paragraph 6, and does not receive a new AVN for a violation of RCW
5 66.44.100 and WAC 314-11-015(1)(a). However, if the Licensee receives an AVN for a
6 violation of RCW 66.44.100 and WAC 314-11-015(1)(a) prior to April 1, 2011, then the Board
7 can sustain the above-referenced AVN and impose the standard penalty identified in Section II,
8 Paragraph 5.

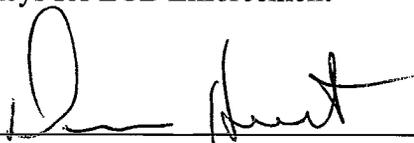
9 8. The undersigned parties declare that the terms of this Agreement are completely
10 read, wholly understood, and voluntarily accepted for the purpose of making a full and final
11 compromise and settlement of any and all violations arising from the above-referenced
12 amended AVN.

13 9. The parties recognize that this Agreement is subject to approval by the
14 Washington State Liquor Control Board.

15
16 ROBERT M. MCKENNA
17 Attorney General

18 
19 _____
20 BRIAN J. CONSIDINE WSBA #39517
21 Assistant Attorney General
22 Attorneys for LCB Enforcement

18 11/16/2010
19 _____
20 DATE

21 
22 _____
23 DUNCAN HOWAT
24 ~~President~~ President of Mt. Baker Ski Area, Inc.
25 Licensee

21 11/15/2010
22 _____
23 DATE



**Washington State
Liquor Control Board**

November 24, 2010

Duncan Howat, President
Mt. Baker Ski Area, Inc., Licensee
d/b/a Mt. Baker Ski Area White Salmon
1019 Iowa St
Bellingham, WA 98229-5818

Brian J. Considine, 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: Mt. Baker Ski Area, Inc.
TRADE NAME: Mt. Baker Ski Area White Salmon
LOCATION: Milepost 52, Mt Baker Hwy, Glacier, WA 98244
LICENSE NO. 078723-3A
AVN NO. 3A0062A
LCB HEARING NO. 23,657
UBI: 371 007 739 001 0003

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Final Order in the above referenced matter as well as the Settlement Agreement.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink that reads "Kevin McCarroll".

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (3)

cc: Amber Harris, WSLCB
Mt Vernon Enforcement and Education Division, WSLCB

1
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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

LCB NO. 23,657

5 MT. BAKER SKI AREA, INC.
6 d/b/a MT. BAKER SKI AREA WHITE
7 SALMON
8 MILEPOST 52, MT BAKER HWY
9 GLACIER, WA 98244

DECLARATION OF SERVICE BY
MAIL

LICENSEE

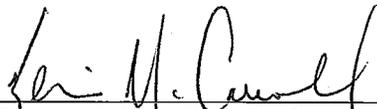
10 LICENSE NO. 078723-3A
11 AVN NO. 3A0062A

12 I certify that I caused a copy of the FINAL ORDER OF THE BOARD in the above-
13 referenced matter to be served on all parties or their counsel of record by US Mail Postage
14 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of
15 Attorney General, on the date below to:

16
17 DUNCAN HOWAT, PRESIDENT
18 MT. BAKER SKI AREA, INC., LICENSEE
19 d/b/a MT. BAKER SKI AREA WHITE
20 SALMON
1019 IOWA ST
BELLINGHAM, WA 98229-5818

BRIAN J. CONSIDINE, ASSISTANT
ATTORNEY GENERAL, GCE DIVISION
OFFICE OF THE ATTORNEY GENERAL
MAIL STOP 40100

21 DATED this 24th day of November, 2010, at Olympia, Washington.

22
23 
24 Kevin McCarroll, Adjudicative Proceedings Coordinator

25
26
DECLARATION OF SERVICE BY
MAIL

1

Washington State Liquor Control Board
3000 Pacific Avenue SE
PO Box 43076
Olympia, WA 98504-3076
(360) 664-1602