

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ROSARIO SIGNAL LLC
d/b/a ROSARIO SIGNAL
1400 ROSARIO RD
EASTSOUND, WA 98245-8570

LICENSEE

LICENSE NO. 355040
UBI: 602 876 493 001 0002

LCB NO. L-24,212
OAH NO. 2013-LCB-0018

FINAL ORDER OF THE BOARD

The above-captioned matter coming on regularly before the Board, and it appearing that:

1. The Licensing Division of the Liquor Control Board issued a letter to the above-captioned Licensee regarding "Retail Outlets" in a letter dated September 20, 2012, in which the Licensing Division stated the Licensee could no longer sell packaged spirits from the Cascade Bay Grill because it was not located in or part of the main hotel building. The letter was regarded as a denial of the Licensee's request to sell spirits, beer and wine at a retail outlet outside the Licensee's main building.

2. The Licensee timely requested a hearing to contest the Licensing Division's determination. The matter was assigned to an Administrative Law Judge (ALJ), and a hearing was held on July 16, 2013.

3. Prior to the ALJ issuing a decision on the hearing, the Licensing Division and the Licensee entered into a Stipulated Settlement Agreement, which is attached and incorporated into this Final Order.

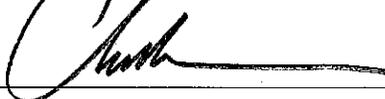
4. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulated Settlement Agreement for case L-24,212 in this matter is ADOPTED.

IT IS HEREBY FURTHER ORDERED that the action of the License Division, to direct the Licensee to cease sale of beer, wine or spirits at any location outside the Moran Mansion building is withdrawn, and Rosario Signal LLC d/b/a Rosario Resort, License Number 355040 may continue to operate under its Hotel license, including the right to continue to operate retail outlets for the sale of spirits, wine and beer at its Cascade Bay Grill, so long as the license remains in good standing.

DATED at Olympia, Washington this 23 day of December, 2014.

WASHINGTON STATE LIQUOR CONTROL BOARD



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OFFICE OF
ADMINISTRATIVE HEARINGS

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE LIQUOR CONTROL BOARD

In the Matter of
ROSARIO RESORT
1400 Rosario Road
Eastsound, WA 98245-8570,
Licensee.
License No. 355040

OAH Docket No. 2013-LCB-0018
LCB No. 24, 212
STIPULATED SETTLEMENT
AGREEMENT

The Washington State Liquor Control Board Licensing and Regulation Division, by and through its attorneys, ROBERT W. PERGUSON, Attorney General, and KIM O'NEAL, Assistant Attorney General, and ROSARIO RESORT (Licensee), by and through its Representative, CHRISTOPHER PEACOCK, hereby enter into this stipulated settlement agreement for Washington State Liquor Control Board (Board) Case No. 24,212.

The Washington State Liquor Control Board Licensing and Regulation Division issued a final decision on September 20, 2012, denying the Licensee's request to sell spirits, beer and wine at a retail outlet outside its main building, specifically its Cascade Bay Grill. The Licensee timely requested a hearing to contest that determination, and a hearing was held on July 16, 2013.

Following that hearing, at the Presiding Officer's suggestion, the parties discussed possible resolutions of the disputed issue, which was the locations on the resort premises where

STIPULATED SETTLEMENT
AGREEMENT

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

Received Time Nov. 14. 2013 4:12PM No. 3382

Received Time Nov. 20. 2013 10:50AM No. 3456

1 spirits, beer and wine could be sold at retail in unopened packages. The Board staff, including
2 staff from the Licensing and Regulation Division, the Enforcement and Education Division,
3 and the Executive Director reviewed the issues, and decided that Rosario Resort's use of retail
4 outlets outside their main building at the Cascade Bay Grill would be permissible under
5 existing Board statutes and regulations.

6 **AGREEMENT OF THE PARTIES**

- 7 1. The Licensing Division and the Licensee enter into this Agreement to avoid the
8 time and expense of further litigation.
- 9 2. The Licensing Division withdraws the letter of determination dated September 20,
10 2012, in which retail outlets at the resort were to be restricted to the main building
11 or the "Moran Mansion."
- 12 3. The Licensing Division and the Liquor Control Board agree that the Licensee may
13 have retail outlets, including the Cascade Bay Grill that are outside the resort main
14 building, and that spirits may be sold at retail manufacturer's sealed containers at
15 such retail outlets.
- 16 4. The Licensee explicitly waives the right to further administrative review of the
17 matters related to this case, and the parties jointly move to dismiss this action with
18 prejudice.
- 19 5. The undersigned parties declare that the terms of this Settlement Agreement are
20 completely read, wholly understood, and voluntarily accepted for the purpose of
21 making a full and final compromise and settlement of any and all claims arising
22 from this case.
- 23 6. The parties recognize that this Agreement is subject to approval by the Washington
24 State Liquor Control Board.
- 25 7. This agreement constitutes the final written expression of all the terms of this
26 agreement and is a complete and exclusive statement of these terms.

STIPULATED SETTLEMENT
AGREEMENT

ATTORNEY GENERAL OF WASHINGTON
1121 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 664-9006

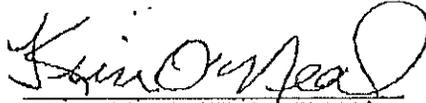
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STIPULATED AND AGREED TO by:

ROBERT W. FERGUSON
Attorney General



KIM O'NEAL, WSBA #12939
Senior Counsel
Attorneys for Washington State
Liquor Control Board Licensing
and Regulation Division

DATE



CHRISTOPHER PEACOCK
General Manager
Representative of Licensee
Rosario Resort & Spa

11/20/13

DATE

APPROVED AND AGREED BY THE MEMBERS OF THE LIQUOR CONTROL BOARD

DATE

DATE

DATE

STIPULATED SETTLEMENT
AGREEMENT

ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 621-2006

Received Time Nov. 14. 2013 4:12PM No. 3382

Received Time Nov. 20. 2013 10:50AM No. 3456



Washington State
Liquor Control Board

December 23, 2014

Christopher Peacock
Rosario Signal LLC
d/b/a Rosario Resort
1400 Rosario Rd
Eastsound, WA 98245-8570

Kim O'Neal, 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: Rosario Signal LLC
TRADE NAME: Rosario Resort
LOCATION: 1400 Rosario Rd, Eastsound, WA 98245-8570
LICENSE APPLICATION NO. 355040
LCB HEARING NO. L-24,212
OAH NO. 2013-LCB-0018
UBI: 602-876-493-001-0002

Dear Parties:

Please find the enclosed Final Order of the Board and Declaration of Service by Mail in the above-referenced matter, as well as a copy of the Stipulated Settlement Agreement.

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

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Sharon Hendricks, Licensing Policy and Compliance Manager, WSLCB
PK Dan, Licensing Administrative Assistant, WSLCB

WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

ROSARIO SIGNAL LLC
d/b/a ROSARIO RESORT
1400 ROSARIO RD
EASTSOUND, WA 98245-8570

LICENSEE

LICENSE NO. 355040
UBI: 602 876 493 001 0002

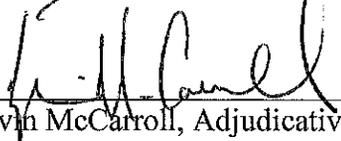
LCB NO. L-24,212
OAH NO. 2013-LCB-0018

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 electronic mail for WSLCB offices, and Campus Mail via Consolidated Mail Services for state offices on the date below to:

CHRISTOPHER PEACOCK ROSARIO SIGNAL LLC d/b/a ROSARIO RESORT 1400 ROSARIO RD EASTSOUND, WA 98245-8570	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
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DATED this 23rd day of December, 2014, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator