

ADMINISTRATIVE PROCESS DIVISION

**VIOLATION CASES TO BE RATIFIED BY COMMISSION**

July 11, 2005

**LICENSEE/PERMITTEE**

**VIOLATION**

**SANCTION & COMMENTS**

1. Shack, Inc.  
**BUFFALO GAP SALOON & EATERY (FCOM)**  
6835 SW Macadam Ave.  
Portland OR 97219  
(26-05307-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employees failed to verify  
age/check ID of a minor before allowing  
the minor to buy or be served alcohol  
when she reasonably appeared to be  
under 26 years of age (April 9, 2005).

**12-DAY SUSPENSION - OR - \$1,980 CIVIL PENALTY**

Note: Licensee paid the \$1,980 civil penalty on May  
18, 2005.

(First, Category III)

Note: The two employees, Nick Mosley  
and Carla Anderson, both  
received fast track tickets for  
their part in the violation. Both  
paid the \$150 fine in lieu of the  
six-day suspension.

2. The Ratskeller Restaurant LLC  
E. Charles Wessinger, Member  
**RATSKELLER (FCOM)**  
88335 E. Government Camp Loop  
Government Camp OR  
(03-14558-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employees, Craig Wheeler  
and Leandra Berkey, permitted a person  
under the age of 21 to be in an area of  
the licensed premises prohibited to  
minors (April 1, 2005).

**11-DAY SUSPENSION - OR - \$1,815 CIVIL PENALTY**

**AGGRAVATION**

1. There were two employees involved in this violation.
2. The minor involved was a juvenile at the time of the violation.

(First, Category IV)

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|---|--|---|
| <p>3. <b>CRAIG WHEELER</b><br/>Service Permit #226891</p> <p>Employer: RATSHELLER (FCOM)<br/>88335 E Government Camp Loop<br/>Government Camp OR<br/>(03-14558-FCOM)</p>                | <p>OAR 845-006-0335 (3)(b) - Server Craig Wheeler permitted a person under the age of 21 to be in an area of the licensed premises prohibited to minors (April 1, 2005).</p> <p>(First, Category IV)</p>                                   | <p><b>9-DAY SUSPENSION - OR - \$225 CIVIL PENALTY</b></p> <p><u>AGGRAVATION</u></p> <p>The minor involved was a juvenile at the time of the violation.</p>  |
| <p>4. <b>LEANDRA BERKEY</b><br/>Service Permit #214889</p> <p>Employer: RATSHELLER (FCOM)<br/>88335 E Government Camp Loop<br/>Government Camp OR<br/>(03-14558-FCOM)</p>               | <p>OAR 845-006-0335 (3)(b) - Server Leandra Berkey permitted a person under the age of 21 to be in an area of the licensed premises prohibited to minors (April 1, 2005).</p> <p>(First, Category IV)</p>                                  | <p><b>9-DAY SUSPENSION - OR - \$225 CIVIL PENALTY</b></p> <p><u>AGGRAVATION</u></p> <p>The minor involved was a juvenile at the time of the violation.</p>  |
| <p>5. <b>DANIEL MOBLEY</b><br/>Service Permit #193035</p> <p>Employer: TAJ PALACE INDIAN CUISINE<br/>WALL ST LOUNGE (FCOM)<br/>917 NW Wall St<br/>Bend OR 97701<br/>(09-20855-FCOM)</p> | <p>OAR 845-006-0347 (2)(a) - While working at the premises, Server Daniel Mobley permitted disorderly activity on the premises when he harassed, threatened or harmed an individual (September 23, 2004).</p> <p>(First, Category III)</p> | <p><b>14-DAY SUSPENSION - OR - \$350 CIVIL PENALTY</b></p> <p><u>AGGRAVATION</u></p> <ol style="list-style-type: none"> <li>1. Server Mobley was personally involved in the disorderly activity.</li> <li>2. The violation resulted in serious injury to the individual.</li> </ol> |
| <p>Note: Licensee was also charged with this violation and has requested a hearing.</p>   |  |   |
| <p>6. Sadie Sue Inc.<br/>Albert O. Jones, President/Vice President/<br/>Secretary/Treasurer/Stockholder</p>   | <p>OAR 845-006-0460 (5) - Licensee failed to have a regular cook on duty during regular meal periods (June 1, 2003 to</p>  | <p><b>LETTER OF REPRIMAND</b></p> <p>Note: Because Licensee's interest in the liquor license</p>  |

**CLUB ROCK SHAGNASTY'S LOUNGE**  
(FCOM)  
8727 N Lombard  
Portland OR 97203  
(26-12736-FCOM)

approximately March 3, 2005).  
(First, Category III)

has expired or been transferred, Staff recommend the Commission issue the Licensee a Letter of Reprimand. This reprimand will become a permanent part of the Licensee's Commission file and may be considered in any future application for a liquor license by the Licensee.

7. ANNA J. BECK  
Service Permit #129990

OAR 845-006-0345 (1) - Server Anna Beck consumed an alcoholic beverage while on duty and permitted Licensee's Agent to also consume an alcoholic beverage while on duty (March 3, 2005).

**32-DAY SUSPENSION - OR - \$500 CIVIL PENALTY AND 12-DAY SUSPENSION**

Employer: **BOSTON PIZZA & PASTIMES**  
(FCOM)  
22605 NE Halsey #A  
Fairview OR 97024  
(26-25465-FCOM)

(Second, Category III)

AGGRAVATION

Server Beck permitted a non-employee to consume alcoholic liquor while serving patrons.

Note: Licensee's violation appeared on the June 2005 Ratification List. Licensee paid the \$1,980 civil penalty in lieu of a 12-day suspension.

Note: Ms. Beck was charged with this violation by Notice dated April 20, 2005. She originally requested a hearing and has since withdrawn that request.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Chang S. Hsu  
Hong H. Phuong  
**DYNASTY RESTAURANT** (FCOM)  
106 Main Street  
Klamath Falls OR 97601  
(18-06648-FCOM)

### Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's Employee, Corinne Tuter, failed to verify the age of an OLCC minor decoy before allowing the decoy to buy alcohol when he reasonably appeared to be under 26 years of age (April 15, 2005).

(First, Category III)

### Violation Number Two

ORS 471.360 (1)(b) - Licensees permitted their Employee, Corinne Tuter, to sell, mix or serve alcohol without a valid service permit (from approximately June 4, 2004 to approximately June 15, 2005).

(Second, Category III - charged at the first level of Category III because the violation was discovered and charged concurrently with Violation Number One)

### **SETTLEMENT AGREEMENT**

Note: Licensees were charged with these violations by Notice dated May 18, 2005. The proposed penalty, considering mitigation and aggravation, was a 24-day license suspension or a \$3,960 civil penalty. Licensees have requested to enter into this Settlement Agreement.

### MITIGATION

Violations Number One and Two were each charged at the first level of Category III because they were discovered and charged concurrently.

### AGGRAVATION

1. Employee Corinne Tuter made an effort to conceal the fact that she did not have a valid service permit.
2. Employee Tuter had not held a valid service permit for approximately 10 months.

### **TERMS OF AGREEMENT**

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated May 18, 2005. These were Licensees' first and second Category III violations within two years. Any subsequent violation of this type within the same two-year period will be charged at the second level in Category III.
2. Regulatory staff originally proposed that the Commission suspend the license for 24 days or assess a civil penalty of \$3,960.00 for Violations Number One and Two.

**DYNASTY RESTAURANT** continued

3. Licensees will install age verification equipment as defined in OAR 845-009-0140 (c) and will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age in lieu of the 10-day suspension or \$1,650.00 civil penalty assessed for Violation Number One. Licensees will run all alcohol sales through the register at which the sale of age verification is installed. Licensees will provide proof of purchase by June 30, 2005. [Licensees submitted an invoice/receipt showing their age verification equipment was purchased on June 8, 2005.]
4. The Commission will reduce the sanction for Violation Number Two to an 11-day suspension or a \$1,815.00 civil penalty. This is equivalent to a 30% reduction of the standard sanction before aggravation.
5. Licensees will pay a civil penalty of \$1,815.00 by 5:00 PM on July 21, 2005 **or** serve an 11-day suspension beginning at 7:00 AM on July 26, 2005 and ending at 7:00 AM on August 6, 2005.
6. If Licensees' interest in the license expires before the Commission issues a final order on these allegations, Licensees agree to accept a Letter of Reprimand for these violations. This Letter of Reprimand will become a permanent part of the Licensees' Commission file and may be considered in any future application for a liquor license by the Licensees.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 11, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

9. Patricia L. Petery  
Roger M. Petery  
**7-ELEVEN STORE #2352-23616B (O)**  
3960 S Pacific Highway  
Medford OR 97501  
(15-11213-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensees' Employee Mark Bishop failed  
to verify the age of an OLCC minor decoy  
before allowing the decoy to buy alcohol  
when she reasonably appeared to be  
under 26 years of age (February 19,  
2005).

(Third, Category IIIa)

### SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by Notice dated March 15, 2005. Because Licensees were members of the Responsible Vendor Program at the time of the violation, the proposed sanction was a 20-day license suspension or a \$3,300 civil penalty. Licensees originally requested a hearing and now withdraw that request to enter into this Settlement Agreement.

### TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated March 15, 2005. This was Licensees' third Category III (a) violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the fourth level.
2. Regulatory staff originally proposed the standard sanction of a 20-day suspension or \$3,300.00 civil penalty.
3. The Commission will reduce the sanction by 6 days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a civil penalty of \$2,310.00 by 5:00 PM on July 21, 2005 **or** serve a 14-day suspension beginning at 7:00 AM on July 26, 2005 and ending at 7:00 AM on August 9, 2005.
5. Licensees withdraw the request for a hearing.
6. If Licensees' interest in the license expires before the Commission issues a final order on this allegation, Licensees agree to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Licensees' Commission file and may be considered in any future application for a liquor license by the Licensees.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 11, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.