

ADMINISTRATIVE PROCESS DIVISION

VIOLATION CASES TO BE RATIFIED BY COMMISSION

August 11 - 12, 2005

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. John N. Brooks Lorelei Brooks STEAK COUNTRY (FCOM) 205 Main Street Klamath Falls OR 97601 (18-06181-FCOM)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Lorelei Brooks failed to verify the age of an OLCC minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (April 15, 2005). (Third, Category III)	32-DAY SUSPENSION - OR - \$4,950 CIVIL PENALTY AND 2-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Lorelei Brooks personally committed this violation.
2. Ellen Nunez Emenegildo A. Nunez TIENDA EL NOPAL (O) 834 Main Street Independence OR 97351 (27-35860-O)	ORS 471.315 (1)(a)(I) - Licensee Emenegildo Nunez was convicted of a felony when he pled guilty to money laundering in violation of 18 United States Code 2 and 1956. The felony occurred on the licensed premises (on or about February 4, 2005). (First, Category I)	LICENSE CANCELLATION <u>AGGRAVATION</u> Licensee Emenegildo Nunez personally committed this violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

3. Goose Hollow Inn, Inc.
Jason Clark, Pres/Dir
John E. "Bud" Clark, Vice Pres/Dir/Stkhldr
Rachel M. Clark, Sec/Dir
David Clark, Director
Nicholas Peter Clark, Treas/Dir
GOOSE HOLLOW INN (L)
1927 SW Jefferson
Portland OR 97201
(26-05121-L)

ORS 471.360 (1)(b) - Licensee permitted employees, Douglas Naish and Kristen Lans, to sell, mix or serve alcohol without valid service permits issued by the Commission (from about September 20, 2004 to about April 20, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated May 26, 2005. The proposed sanction, considering aggravation, was a \$2,970 civil penalty or an 18-day suspension. Licensee has requested to enter into this Settlement Agreement.

AGGRAVATION

1. Two employees were working without valid service permits.
2. Douglas Naish and Kristen Lans had both been working for approximately seven months without valid service permits.
3. Kristen Lans made an effort to conceal the fact that she did not have a valid service permit.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated May 26, 2005. This was Licensee's first Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the second level.
2. Regulatory staff originally proposed the standard sanction of a 10-day suspension and added 8 days for aggravation, for a total of an 18-day suspension or civil penalty of \$2,970.00.
3. The Commission will reduce the sanction by 3 days. This is equivalent to a 30% reduction of the standard sanction before aggravation.
4. Licensee will pay a civil penalty of \$2,475.00 by 5:00 PM on August 22, 2005 **or** serve a 15-day suspension beginning at 7:00 AM on August 27, 2005 and ending at 7:00 AM on September 11, 2005.

GOOSE HOLLOW INN continued

5. If Licensee's interest in the license expires before the Commission issues a final order on this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 11-12, 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

4. Ruiz Corporation, Inc.
Osvaldo Ruiz-Jaramillo, President
**GUADALAJARA FAMILY MEXICAN
RESTAURANT (FCOM)**
2332 Poplar Drive
Medford OR 97504
(15-14990-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's Employee, Norma Alvarado,
failed to verify the age of an OLCC minor
decoy before allowing the decoy to buy or
be served alcohol when he reasonably
appeared to be under 26 years of age
(December 29, 2004).

(Fourth, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of the violation.
Because Licensee did not have
all the Program standards in
place, Licensee is removed from
the Program and is no longer
eligible for reduced sanctions.

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated March 21, 2005. The proposed
sanction was license cancellation and removal
from the Responsible Vendor Program. Licensee
originally requested a hearing and now withdraws
that request to enter into this Settlement
Agreement.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Cancellation dated March 21, 2005. This was Licensee's fourth Category III violation within two years. Any subsequent violation of this type within the same two year period will result in license cancellation.
2. Regulatory staff originally proposed to cancel the license.
3. The Commission will impose a 30-day suspension in lieu of license cancellation.
4. Licensee is removed from the Responsible Vendor Program. Licensee may reapply one year after ratification of this Agreement.
5. Licensee will accept the following restriction on its license:

Licensee will utilize age verification equipment, as defined in OAR 845-009-0140 (1)(c), to verify the age of every person who reasonably appears to be under 26 years of age and who attempts to purchase.

GUADALAJARA FAMILY MEXICAN RESTAURANT continued

6. Licensee withdraws the request for a hearing in this matter.
7. Licensee will serve a 30-day suspension beginning at 7:00 AM on August 27, 2005 and ending at 7:00 AM on September 26, 2005.
8. If Licensee's interest in the license expires before the Commission issues a final order on this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 11-12, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and the Licensee's hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

5. Juan Garcia
EL TACO SALSA RESTAURANT (L)
18727 East Burnside St
Portland OR 97233
(26-37385-L)

OAR 845-006-0426 - Licensee failed to maintain staff on the licensed premises who can communicate effectively with Commission regulatory employees (February 22, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated March 22, 2005. The proposed sanction, considering aggravation, was a 12-day suspension or a \$1,980 civil penalty. Licensee originally requested a hearing and now withdraws that request to enter into this Settlement Agreement.

AGGRAVATION

Licensee intentionally committed this violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This was Licensee's first Category III violation 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 the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation, for a total of a 12-day suspension or a \$1,980.00 civil penalty.
3. Licensee will serve a 9-day suspension beginning at 7:00 AM on August 27, 2005 and ending at 7:00 AM on September 5, 2005 **or** pay a \$1,485.00 civil penalty before 5:00 PM on August 22, 2005.
4. Licensee withdraws the request for a hearing.
5. If Licensee's interest in the license expires before the Commission issues a final order on this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 11-12, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and the Licensee's hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

6. Fred Morrow
Linda Morrow
LA PINE MINI MART (O)
52475 Skidgel Road
La Pine OR 97739
(09-12552-O)

ORS 471.410 (1) - Licensees' Employee,
Lisa Jones, knowingly sold, served or
otherwise made alcohol available to a
visibly intoxicated person (September 25,
2004).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were first charged with this violation by Notice dated February 17, 2005. The proposed sanction was a 30-day suspension or a \$4,950 civil penalty. Licensees originally requested a hearing and now withdraw their 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 February 17, 2005. This was Licensees' second Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the third level in Category III.
2. Regulatory staff originally proposed that the Commission suspend Licensees' license for 30 days or assess a civil penalty of \$4,950.00.
3. The Commission will reduce the sanction for the violations to a 21-day suspension **or** a \$3,465.00 civil penalty. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees withdraw the request for a hearing in this matter.
5. Licensees will pay a civil penalty of \$3,465.00 by 5:00 PM on August 22, 2005 **or** serve a 21-day suspension beginning at 7:00 AM on August 27, 2005 and ending at 7:00 AM on September 17, 2005.
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 August 11-12, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and the Licensees' hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

7. Dos Amigos Hacienda, Inc.
Rafael Mora, President
Olga Mora, Secretary
LOS DOS AMIGOS HACIENDA (FCOM)
1402 Pacific Boulevard SE
Albany OR 97321
(27-27278-FCOM)

Violation Number One
OAR 845-006-0347 (3)(a) - Licensee permitted unlawful activity on the licensed premises when Employee Rene Marquez committed theft on the licensed premises (September 26, 2004).

(First, Category III)

Violation Number Two
OAR 845-006-0335 (3)(a) - Licensee permitted Employee Rene Marquez, age 20, to consume alcohol on the licensed premises (September 26, 2004).

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

Violation Number Three
ORS 471.482 (1) - Licensee permitted Employee Rene Marquez, age 20, to mix, pour or draw alcoholic liquor in a portion of the premises prohibited to minors (September 26, 2004).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated February 23, 2005. The proposed sanction, after considering Mitigation and Aggravation, was a 29-day suspension or a \$4,785.00 civil penalty. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

MITIGATION

Violations Number One and Two were both charged at the first level because they were discovered and charged concurrently.

AGGRAVATION

Minor employee Rene Marquez mixed multiple drinks in a portion of the premises prohibited to minors.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated February 23, 2005. Violations Numbers One and Two were Licensee's 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. Violation Number Three was Licensee's first Category IV violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the second level in Category IV.

LOS DOS AMIGOS HACIENDA continued

2. Regulatory staff originally proposed that the Commission suspend the license for 29 days or assess a civil penalty of \$4,785.00 for the violations.
3. The Commission will reduce the sanction for the violations to a 21-day suspension **or** a \$3,465.00 civil penalty. This is equivalent to a 30% reduction of the standard sanction before aggravation.
4. Licensee withdraws the request for a hearing in this matter.
5. Licensee will pay a civil penalty of \$3,465.00 by 5:00 PM on August 22, 2005 **or** serve a 21-day suspension beginning at 7:00 AM on August 27, 2005 and ending at 7:00 AM on September 17, 2005.
6. If Licensee's interest in the License expires before the Commission issues a final order on these allegations, Licensee agrees to accept a Letter of Reprimand for the violations. This Letter of 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. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 11-12, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.