

ADMINISTRATIVE PROCESS DIVISION

VIOLATION CASES TO BE RATIFIED BY COMMISSION

September 12, 2005

LICENSEE/PERMITTEE

VIOLATION

SANCTION & COMMENTS

1. Elk Lake Resort, Inc.
Jim Bendis, Pres/Dir/Stockholder
Deb Bendis, Sec/Dir/Stockholder
ELK LAKE RESORT (L/O)
60000 Century Drive
Bend OR 97701
(09-38054-L/O)

ORS 471.360 (1)(b) - Licensee permitted
employee, Tiffany Ingalls, to sell, mix or
serve alcohol without a valid service
permit (June 29, 2005).

(First, Category III)

\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

2. Sandoval's Mexican Restaurant, Inc.
Daniel Sandoval, Pres/Dir/Stockholder
SANDOVAL'S MEXICAN RESTAURANT
(FCOM)
14775 SW Teal
Beaverton OR 97007
(34-18951-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, Guadalupe
Villaverde, failed to verify the age of a
Beaverton PD minor decoy before
allowing the decoy to buy or be served
alcohol when he reasonably appeared to
be under 26 years of age (November 16,
2004).

(Fourth, Category III - charged at the third
level in line with how Licensee's prior
violations were charged.)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated January 28, 2005. The proposed
sanction, considering aggravation and mitigation,
was a 32-day license suspension. Licensee
requested a hearing and now wishes to withdraw
that request to enter into this Settlement
Agreement.

AGGRAVATION

The minor decoy was only 17 years old at the time of the
violation.

MITIGATION

Licensee's first two violations, which occurred on April 29,
2003, were both charged at the first level because they
were discovered and charged concurrently. Licensee's
next violation, which took place on February 23, 2004,
was then charged at the second level. Therefore, this
current violation is being charged at the third level of
Category III.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the Violation as set out in the Notice of Proposed License Suspension. This Category III violation was charged at the third level. 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 30-day suspension plus two days aggravation for the minor being 17 years old at the time of the violation, for a total proposed sanction of a 32-day suspension.
3. The Commission will reduce the sanction by 9 days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will serve a 23-day suspension beginning at 7:00 AM on September 22, 2005 and ending at 7:00 AM on October 15, 2005.

SANDOVAL'S MEXICAN RESTAURANT continued

5. Licensee withdraws the request for a hearing.
6. 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

3. **GUADALUPE VILLAVERDE**
Service Permit # 18951

Employer: **SANDOVAL'S MEXICAN RESTAURANT (FCOM)**
14775 SW Teal
Beaverton OR 97007
(34-18951-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) - Service Permittee Guadalupe Villaverde failed to verify the age of a Beaverton PD minor decoy before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (November 16, 2004).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Permittee Villaverde was charged with this violation by Notice dated January 28, 2005. The proposed sanction, considering aggravation, was a \$300 civil penalty or a 12-day service permit suspension. Permittee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

The minor decoy was only 17 years of age at the time of the violation.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the Violation as set out in the Notice of Proposed Suspension/Civil Penalty. This was Permittee'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 or a \$250.00 civil penalty plus two days aggravation for the minor being 17 years old at the time of the violation, for a total proposed sanction of a 12-day suspension or a \$300.00 civil penalty.
3. The Commission will reduce the sanction by 3 days. This is equivalent to a 30% reduction of the standard sanction.
4. Permittee will serve a 9-day suspension beginning at 7:00 AM on September 22, 2005 and ending at 7:00 AM on October 1, 2005 or pay a \$175.00 civil penalty before 5:00 PM on September 27, 2005.
5. Permittee withdraws the request for a hearing.
6. If Permittee's interest in the service permit expires before the Commission issues a final order on this allegation, Permittee 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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. Hun Soo Cho
Stacy M. Cho
BASELINE MARKET & DELI (O)
1206 Baseline Street
Cornelius OR 97113
(34-28148-O)

Violation Number One

OR 845-006-0335 (1)(a)(b)(c) -
Licensee Hun Soo Cho failed to verify the age of a minor (Ruiz-Jimenez) before allowing the minor to purchase alcohol when he reasonably appeared to be under 26 years of age (September 25, 2004).

(First, Category III)

Violation Number Two

OR 845-006-0335 (1)(a)(b)(c) -
Licensee Hun Soo Cho failed to verify the age of a minor (Rivera Gonzalez) before allowing the minor to purchase alcohol when he reasonably appeared to be under 26 years of age (September 25, 2004).

(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 February 9, 2005. The proposed sanction, considering aggravation and mitigation, was a \$5,610 civil penalty or a 34-day license suspension. Licensees requested a hearing and now wish to withdraw that request to enter into this Settlement Agreement.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated February 9, 2005. These were Licensees' first and second Category III violations within two years. The violations were each charged at the first level of Category III because they were discovered and charged concurrently. 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 20-day suspension and added fourteen days for aggravation, for a total of a 34-day suspension or civil penalty of \$5,610.00.

BASELINE MARKET & DELI continued

3. Licensees will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), by September 1, 2005 [Licensees' equipment was installed on March 14, 2005] 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 ten-day suspension or \$1,650.00 civil penalty for Violation Number One. Licensees will run all alcohol sales through the register at which the age verification equipment is installed.
4. The Commission will reduce the sanction for Violation Number Two by three days. This is equivalent to a 30% reduction of the standard sanction before aggravation.
5. Licensees will pay a civil penalty of \$3,465.00 by 5:00 PM on September 22, 2005 **or** serve a 21-day suspension beginning at 7:00 AM on September 27, 2005 and ending at 7:00 AM on October 18, 2005.
6. Licensees withdraw the request for a hearing.
7. 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 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

5. Debra Murie
Cyndee Willis
William Willis
LONGHORN SALOON & RESTAURANT
(FCOM)
2857 Market Street
Bonanza OR 97623
(18-05837-FCOM)

ORS 471.360 (1)(b) - Licensees
permitted employee, Jessica Amos, to
sell, mix or serve alcohol without a valid
service permit issued by the Commission
(April 16, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
O.L.C.C. Violation Notice (Fast Track) dated May
9, 2005. The proposed penalty was a \$990 civil
penalty or a 6-day license suspension.
Licensees 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 O.L.C.C. Violation Notice. This Category III violation was charged at the first level. 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 or a \$1,650.00 civil penalty.
3. The Commission will reduce the sanction by 3 days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will serve a 7-day suspension beginning at 7:00 AM on September 27, 2005 and ending at 7:00 AM on October 4, 2005 or pay a \$1,155.00 civil penalty before 5:00 PM on September 22, 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 September 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

6. Key Largo Associates, Inc.
Daniel Reed, President
Robin Preston, Vice President
David Elliott, Secretary
Michele Preston, Director
Key Largo Acquisition Group, LLC
Stockholder
OHM (FCOM)
31 NW 1ST Ave
Portland OR 97209
(26-00069-FCOM)

Violation Number One
OAR 845-006-0460 (2)(a) - Licensee failed to make available an offering of five distinctly different regular meals during the dinner meal period (from mid-November 2004 until February 10, 2005).

Violation Number Two
OAR 845-006-0466 (1) - Licensee failed to have a food preparation area and equipment adequate to prepare, cook and serve food to meet the minimum food service requirements (from mid-November 2004 until February 10, 2005).

Violation Number Three
OAR 845-006-0460 (4)(a) - Licensee failed to meet the minimum seating requirements for the licensed premises because at least 30 seats were not dining seating during regular meal periods (February 4, 2005).

(First, Second and Third, Category III - each violation charged at the first level because they were discovered and charged concurrently.)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated March 1, 2005. The proposed sanction, considering aggravation and mitigation, was a \$5,610 civil penalty or a 34-day license suspension. Licensee requested a hearing and now withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Licensee did not offer to patrons five distinctly different meals during the dinner meal period for approximately three months.
2. Licensee failed to have a food preparation area adequate to prepare, cook and serve food on the licensed premises for approximately three months.

MITIGATION

Violations Number One, Two and Three are Category III violations and were each charged at the first level because they were discovered and charged concurrently.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violation Number One and Violation Number Three as set out in the Notice of Proposed License Suspension or Civil Penalty. These Category III violations were discovered and charged concurrently at the first level. Any subsequent violation of this type within the same two-year period will be charged at the second level.
 2. The Commission will dismiss Violation Number Two.
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3. Regulatory staff originally proposed the standard sanction of a 10-day suspension plus two days aggravation, for a total proposed sanction of a 12-day suspension or a civil penalty of \$1,980.00 for Violation Number One. Regulatory staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of a \$1,650.00 for Violation Number Three.
4. The Commission will reduce the combined sanction for Violation Number One and Violation Number Three by a total of 6 days off the suspension **or** by \$990.00 off the civil penalty. This is equivalent to a 30% reduction of the standard sanctions.
5. Licensee will pay a civil penalty of \$2,640.00 by 5:00 PM on September 22, 2005 **or** serve a 16-day suspension beginning at 7:00 AM on September 27, 2005 and ending at 7:00 AM on October 13, 2005.
6. Licensee withdraws the request for a hearing.
7. 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 these violations. 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.
8. The agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

7. Golden Palace, Inc.
Tai Van Trieu, President/Stockholder
Rococo, Inc.
Kar Chi Liang, President/Stockholder
GOLDEN PALACE RESTAURANT
(FCOM)
1927 Main Street
Forest Grove OR 97116
(34-02358-FCOM)

Violation Number One

ORS 471.360 (1)(b) - Licensees permitted Corporate Principal Kar Chi Liang to mix, sell or serve alcohol without a valid service permit (January 1, 2005 until April 29, 2005).

(First, Category III)

Violation Number Two

OAR 845-006-0335 (3)(b) - Licensees permitted two minors to be on the licensed premises in an area prohibited to minors (April 29, 2005).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensees were charged with these violations by Notice dated June 8, 2005. The proposed sanction, with aggravation, was a \$3,795 civil penalty or a 23-day license suspension. Licensees requested a hearing and now withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Violation Number One occurred over a four-month period.
2. Violation Number Two involved two minors.
3. Corporate Principal Kar Chi Liang personally committed Violation Number Two.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. These were Licensees' first Category III and first Category IV violations within two years. Any subsequent violation of these types 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 or a \$1,650.00 civil penalty for Violation Number One and a 7-day suspension or a \$1,155.00 civil penalty for Violation Number Two, and added six days for aggravation, for a total sanction of a 23-day suspension or a \$3,795.00 civil penalty.
3. Licensees will pay a \$2,970.00 civil penalty before 5:00 PM on September 22, 2005 **or** serve a 18-day suspension beginning at 7:00 AM on September 27, 2005 and ending at 7:00 AM on October 15, 2005. This represents a 30% reduction of the standard sanction before aggravation.
4. Licensees withdraw the request for a hearing.
5. 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.

GOLDEN PALACE RESTAURANT continued

6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners during their September 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.

