

ADMINISTRATIVE PROCESS DIVISION

VIOLATION CASES TO BE RATIFIED BY COMMISSION

November 14, 2005

| <u>LICENSEE/PERMITTEE</u> | <u>VIOLATION</u> | <u>SANCTION & COMMENTS</u> |
|--|---|--|
| 1. Sang C. Park CROSSROADS GROCERY & DELI (O) 303 N Pacific Hwy Woodburn OR 97071 (24-12113-O) | OAR 845-006-0335 (1)(a)(b)(c) - Licensee failed to verify the age of a minor before allowing the minor to purchase alcohol when he reasonably appeared to be under 26 years of age (July 12, 2005). (First, Category III) | \$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Sang C. Park personally participated in the violation. |
| 2. Trillium Café, Inc. David Hanel, President/Stockholder Michelle Hanel, Vice President/Stockholder TRILLIUM CAFÉ (FCOM) 207 Oak Avenue Hood River OR 97031 | OAR 845-006-0345 (5) - Licensee permitted persons to take open containers of alcoholic beverages off of the licensed premises (August 5, 2005). (First, Category V) | \$1,485 CIVIL PENALTY - OR - 9-DAY SUSPENSION <u>AGGRAVATION</u> <ol style="list-style-type: none">1. Corporate Principal David Hanel was personally involved in the violation.2. Licensee permitted multiple persons to take open containers of alcoholic beverages off of the licensed premises.3. The violation occurred after Licensee had received prior warning from an OLCC inspector regarding permitting persons to take open containers of alcoholic beverages off of the licensed premises. |

3. Shari's Management Corporation
Michael Gibbons, CEO
Lawrence Curtis, Pres/Dir
B. Ray Damron, Exec VP/Sec
Alan Hartley, Treas
Craig Kessler, VP - Operations
Glenn Morely, VP - Operations
Timothy Greenleaf, Asst Sec/Dir
Hancock Investments, LLC, Stkhldr
Shari's Investment Partners, LLC, Stkhldr
SHARI'S OF HERMISTON (L)
800 S Highway 395
Hermiston OR 97838
(30-36750-L)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employees, Nancy Smith and
Pamela Abercrombie, 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 (June 21, 2005).

(First, Category IIIa)

\$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION

AGGRAVATION

The violation involved two employees.

MITIGATION

Licensee has purchased and installed Age Verification
Equipment in lieu of paying \$1,155 of the civil penalty or
serving seven days of the suspension.

4. Rogue Wilderness, Inc.
Robert Rafalovich, Pres/Stkhldr
Myrna Rafalovich, Sec/Treas/Stkhldr
ROGUE WILDERNESS (O)
325 Galice Road
Merlin OR 97532
(17-20692-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Corporate Principal Robert Rafalovich
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
(August 26, 2005).

(First, Category III)

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

AGGRAVATION

Corporate Principal Robert Rafalovich was personally
involved in the violation.

MITIGATION

Licensee has a lengthy history of compliance with the
Commission.

5. Jason J. Hale
AHERN'S STOP & SHOP (O)
268 NW 5TH
Madras OR 97741
(09-05685-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee 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 (July 9, 2005).

(First, Category III)

\$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION

AGGRAVATION

Licensee Hale personally committed the violation.

MITIGATION

Licensee has purchased and installed Age Verification
Equipment in lieu of paying \$1,650 of the civil penalty or
serving 10 days of the suspension.

6. Shepherd Family, Inc.
Scott Shepherd, President/Stockholder
Tricia Shepherd, Secretary/Stockholder
THE HEADLINE CAFÉ (FCOM)
300 SW Jefferson
Corvallis OR 97333
(02-13152-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, Lana Herron,
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
(June 3, 2005).

\$4,950 CIVIL PENALTY - OR - 30-DAY SUSPENSION

(Second, Category III)

Note: Server Lana Herron received a
fast track ticket for the violation
and has served a six-day
suspension.

7. Hae Hong
Yong Hong
PORTLAND MOBILE HOME STORE (O)
9000 NE Martin Luther King, Jr. Blvd.
Portland OR 97211
(26-08042-O)

Violation Number One
OAR 845-006-0365 (1) - License Yong
Hong issued a check to a wholesale
licensee for alcohol products. The check
was returned for non-sufficient funds
(June 10, 2005).

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

AGGRAVATION

Licensee Yong Hong was personally involved in Violation
Number One.

MITIGATION

Licensees have a length history of compliance with the
Commission.

(First, Category V)

Violation Number Two
OAR 845-006-0481 - Licensees closed
the licensed premises for more than 14
days. Licensee did not give the
Commission written notice prior to this
closing (August 10, 2005 to about
September 5, 2005).

(Second, Category V)

8. Restaurant Group of Corvallis, Inc.
Carl Tinsley, President
Barbara Tinsley, Secretary/Stockholder
SEÑOR SAM'S MEXICAN GRILL (FCOM)
140 NW Third Street
Corvallis OR 97330
(02-24496-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, Travis Guy, failed
to verify the age of a minor before
allowing her to buy or be served alcohol
when she reasonably appeared to be
under 26 years of age (June 8, 2005)

(Second, Category III)

Note: This violation was discovered by
a Corvallis P.D. Officer. The
Officer issued Server Travis Guy
a criminal citation for providing
alcohol to a minor.

**32-DAY SUSPENSION - OR - \$4,950 CIVIL PENALTY
AND 2-DAY MANDATORY SUSPENSION**

AGGRAVATION

Licensee's employee, Rachel Furlow, made an effort to
conceal the violation.

9. Double O Investments, LLC
FMG Corporation, Member
David Oringdulph, Member
MERIWETHER'S (FCOM)
2601 NW Vaughn
Portland OR 97210
(26-38232-FCOM)

ORS 471.360 (1)(b) - Licensee permitted
three employees to sell, mix or serve
alcoholic beverages, or manage those
who do, without valid service permits
(varying lengths of time from about July
30, 2005 to about August 27, 2005).

(First, Category III)

\$2,310 CIVIL PENALTY - OR - 14-DAY SUSPENSION

Note: Licensee's \$2,310 fine payment was received on
November 2, 2005.

AGGRAVATION

Three employees were working without valid service
permits.

10. **VERNA E. ROUSKA**
Service Permittee

Employer: Nancy Dunford Properties, Inc.
Nancy Dunford, Corp. Principal
ROCKY'S PLACE (L)
464 Portland Ave
Gladstone OR 97027

ORS 471.410 (1) - Service Permittee
Verna Rouska knowingly sold, served or
otherwise made alcoholic liquor available
to a visibly intoxicated person (August 5,
2005).

(First, Category III)

\$250 CIVIL PENALTY - OR - 10-DAY SUSPENSION

Note: Licensee also received a notice of
violation ticket for this violation.
Licensee's case is pending.

11. **DAVID L. ROUSKA**

Service Permittee

Employer: Nancy Dunford Properties, Inc.
Nancy Dunford, Corp. Principal
ROCKY'S PLACE (L)
464 Portland Ave
Gladstone OR 97027

Note: Licensee also received a notice of violation ticket for this violation.
Licensee's case is pending.

OAR 845-006-0345 (1) - Service
Permittee David Rouska was under the influence of intoxicants while on duty at the licensed premises (August 5, 2005).

(First, Category II)

32-DAY SUSPENSION

AGGRAVATION

Permittee Rouska made efforts to conceal the violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

12. Triple Crown Food Market A & M Co.
Asfaw Chaneyalew, President/Stockholder
Muluken Aymierw, Secretary/Stockholder
TRIPLE CROWN FOOD MARKET (O)
8203 N Denver Ave
Portland OR 97217
(27-10844-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Corporate Principal Asfaw Chaneyalew
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
(August 24, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated September 21, 2005. The
proposed penalty, considering aggravation, was
a \$2,310 civil penalty or a 14-day suspension.
Licensee has requested 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 Suspension or Civil Penalty dated September 21, 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 four days for aggravation, for a total of a 14-day suspension or civil penalty of \$2,310.00.
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 \$1,815.00 by 5:00 PM on November 25, 2005 **or** serve an 11-day suspension beginning at 7:00 AM on November 29, 2005 and ending at 7:00 AM on December 10, 2005.
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 November 14, 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

13. Bradly P. Olson
Rogena E. Olson
CADILLAC JACK'S SALOON & GRILL
1703 SW Emigrant
Pendleton OR 97801
(30-37811-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's Employee, Shane Herman,
failed to verify the age of an OLCC minor
decoy before allowing the decoy to buy
or be served an alcoholic beverage when
he reasonably appeared to be under 26
years of age (June 28, 2005).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by OLCC Violation Notice (Fast Track) No. 02789, dated July 14, 2005. The proposed penalty, after the fast track deadline, was a \$4,950 civil penalty **or** a 30-day 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 violations as set out in the OLCC Violation Notice dated July 14, 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 the license for 30 days or assess a civil penalty of \$4,950.00 for the violation.
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. Licensees will run all alcohol sales through the register at which age verification equipment is installed. Licensees have provided proof of purchase of the equipment.
4. The Commission will allow the Licensees to purchase age verification equipment in lieu of the suspension or civil penalty assessed for the violation.
5. Licensees withdraw the request for a hearing in this matter.
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 the 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 November 14, 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

13. Our Place Tavern, LLC
James A. Trunnell, Managing Member
OUR PLACE (FCOM)
796 Highway 99N
Eugene OR 97402
(20-28388-FCOM)

Violation Number One
OAR 845-006-335 (1)(a)(b)(c) -
Licensee's Employee, Judy Faye Woods,
failed to verify the age of an OLCC minor
decoy before allowing the decoy to buy
or be served an alcoholic beverage when
he reasonably appeared to be under 26
years of age (July 14, 2005).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) - Licensee permitted
Employee Judy Faye Woods to mix, sell
or serve alcohol without a valid service
permit (July 14, 2005).

(Second, Category III)

Violation Number Three
Licensee permitted a minor decoy to be
on the licensed premises or in an area of
the licensed premises prohibited to
minors (July 14, 2005).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by
Notice dated September 28, 2005. The
proposed sanction, considering mitigation, was a
\$2,805 civil penalty or a 17-day suspension.
Licensee has requested to enter into this
Settlement Agreement.

MITIGATION

1. Violations Number One and Two will be charged at
the first level of Category III because they were
discovered and charged concurrently.
2. Licensee has purchased and will use Age
Verification Equipment in accordance with OAR 845-
009-0140.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension or Civil Penalty dated September 28, 2005. These were Licensee's first and second Category III violations within two years, and Licensee's first Category IV violation within two years. Any subsequent violations of these types within the same two-year period will be charged at the second level in Categories III and IV.
2. Licensees have installed 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 age verification equipment is installed. Licensees have provided proof of purchase of the equipment.

3. Regulatory staff originally proposed that the Commission suspend the license for 17 days or assess a civil penalty of \$2,805.00 for Violations Number Two and Three.
4. The Commission will reduce the sanction for Violations Number Two and Three to a 12-day suspension or a \$1,980 civil penalty. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a civil penalty of \$1,980 by 5:00 PM on November 25, 2005 **OR** serve a 12-day suspension beginning at 7:00 AM on December 19, 2005 and ending at 7:00 AM on December 31, 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 November 14, 2005 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.