

ADMINISTRATIVE PROCESS DIVISION

VIOLATION CASES TO BE RATIFIED BY COMMISSION

January 17, 2006

LICENSEE/PERMITTEE

VIOLATION

SANCTION & COMMENTS

1. Yee's Investment, Inc.
Stephen Wing-Yan Yee, President
Heather Zhi Hong Yee, Vice President
DAD'S RESTAURANT & LOUNGE
(FCOM)
8608 N Lombard
Portland OR 97203
(26-00114-FCOM)

Violation Number One
ORS 471.405 (1) - Licensee violated a
license restriction by allowing an alcohol
monitor to serve drinks to patrons
(December 30, 2004).

(First, Category I)

Violation Number Two
OAR 845-006-0460 (2)(a) - Licensee
failed to make available to patrons an
offering of five distinctly different regular
meals during the dinner meal period
(December 22, 2004).

(First, Category III)

Violation Number Three
OAR 845-006-0460 (3)(a) - Licensee
failed to make available to patrons at
least the minimum variety and type of
food required for a Full On-Premises
Sales license at all times alcohol service
is available (December 22, 2004).

(Second, Category III)
Violation Number Four

LETTER OF REPRIMAND

Note: Licensee was charged with these violations by
Notice dated March 22, 2005. The proposed
sanction was License Cancellation. Licensee
requested a hearing and then withdrew the
request as the business has been sold. Because
Licensee no longer holds an interest in the liquor
license, staff propose the Commissioners issue
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.

DAD'S RESTAURANT & LOUNGE continued

OAR 845-006-0460 (5) - Licensee failed to have at least two employees on duty during regular meal period, one of which is primarily a cook (September 2004 until December 22, 2004).

(Third, Category III)

2. Louise Grove
THE SPINNING WHEEL (FCOM)
22842 South Hwy 99E
Canby OR 97013
(03-02109-FCOM)

Violation Number One

ORS 471.168 - Licensee failed to maintain liquor liability insurance or a bond with corporate surety (April 5, 2005 to May 27, 2005).

(First, Category I)

Violation Number Two

ORS 471.360 (1)(b) - Licensee permitted three employees to sell, mix or serve alcohol, or manage those who do, without valid service permits (varying lengths of time between November 2004 and May 13, 2005).

(Second, Category III)

Violation Number Three

ORS 471.315 (1) - Licensee failed to produce premises' books and records for examination by inspectors after receiving at least a 72-hour notice of the Commission's intent to examine your books and records (May 18, 2005 and May 24, 2005).

(First, Category IV)

LETTER OF REPRIMAND

Note: Because Licensee has surrendered the liquor license, staff propose 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.

3. Gene A. Ball
Chong S. Ball
METZGER GROCERY (O)
10055 SW Hall Blvd
Tigard OR 97223
(34-03279-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Gene Ball failed to verify the
age of a Washington County Sheriff's
Office minor decoy before allowing the
decoy to purchase alcohol when he
reasonably appeared to be under 26
years of age (September 17, 2005).

(First, Category III)

4. Big Apple Groceries, Inc.
Mary Park, Pres/Dir/Stkhldr
Richard Park, Sec/Dir/Stkhldr
BIG APPLE GROCERIES (O)
38636 Proctor Blvd
Sandy OR 97055
(03-02674-O)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, James Childs,
failed to verify the ages of two minors
before allowing the minors to buy alcohol
when they reasonably appeared to be
under 26 years of age (September 3,
2005).

(First, Category III)

Violation Number Two
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, Laura Cannon,
failed to verify the age of an OLCC minor
decoy before allowing the decoy to
purchase alcohol when she reasonably
appeared to be under 26 years of age
(October 14, 2005).

(Second, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of the violations.
Because aggravating circum-
stances exist, Licensee is
required to be removed from the

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

AGGRAVATION

Licensee Gene Ball personally committed the violation.

MITIGATION

Licensees received credit for the purchase and use of
Age Verification Equipment in lieu of paying \$1,650 of the
civil penalty or serving 10 days of the suspension.

**REMOVAL FROM RESPONSIBLE VENDOR
PROGRAM**

- AND -

52-DAY LICENSE SUSPENSION

- OR -

\$7,920 CIVIL PENALTY - AND - 4-DAY SUSPENSION

AGGRAVATION

Violation Number One

1. Two minors were involved.
2. The minors were 17 years of age at the time this
violation took place.
3. Big Apple Groceries has a reputation as a place
where minors can purchase alcohol.

Violation Number Two

1. Licensee received verbal instructions on minors and
checking identification two days prior to the violation.
2. Big Apple Groceries has a reputation as a place
where minors can purchase alcohol.

BIG APPLE GROCERIES continued

Program and is therefore no longer eligible for reduced sanctions based on Category III(a).

5. Yang's LLC
Guo (Karl) Yang, Member/Shareholder
Weiyu Yang, Member/Shareholder
LUM YUEN RESTAURANT (FCOM)
1236 Price Road SE
Albany OR 97321
(22-26488-FCOM)

ORS 471.360 (1)(b) - Licensee permitted an employee to sell, mix or serve alcohol without a valid service permit (March 5, 2001 to about October 18, 2005).

(First, Category III)

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

Note: Licensee paid the \$1,980 civil penalty on December 13, 2005.

6. Bill H. Downer
Judith A. Downer
SMOKES N SPIRITS (O)
415 NE Santiam Blvd
Mill City OR 97360
(26-36479-O)

Violation Number One
ORS 471.315 (1)(a)(I) - On July 27, 2005, Licensee Bill Downer was convicted of ten counts of Intent to Evade Cigarette Distribution. Intent to Evade Cigarette Distribution is a Class C Felony. Licensee Bill Downer committed these felonies on the licensed premises or in areas the licensee controls that are adjacent to or outside the premises (January 1, 2004 and June 1, 2004).

(First, Category I)

Violation Number Two
ORS 471.315 (1)(a)(I) - On July 27, 2005, Licensee Bill Downer was convicted of twenty counts of Unlawful Financial Activity. Unlawful Financial Activity is a Class C Felony. Licensee Bill Downer committed these felonies on the licensed premises or in areas the licensee controls that are adjacent to or outside the

LICENSE CANCELLATION

AGGRAVATION

1. Violation Number One involves ten counts of Intent to Evade Cigarette Distribution.
2. Violation Number Two involves twenty counts of Unlawful Financial Activity.

SMOKES N SPIRITS continued

premises (January 1, 2004 and June 1, 2004).

(Second, Category I)

7. Caffe Bellisimo, LLC
Arlie Hutchens, Managing Member
CAFFE BELLISIMO (L)
450 SW Powerhouse Dr., #400
Bend OR 97701
(09-038474-L)

ORS 471.405 (1) - Licensee violated a license restriction by allowing Stacy Nichols on the licensed premises at a time that alcohol was sold and served (September 21 and 22, 2005).

(First, Category I)

LICENSE CANCELLATION

AGGRAVATION

Stacey Nichols was on the licensed premises on more than one occasion.

8. Hot Plate Restaurant, Inc.
Justin Liu, Pres/Dir/Shrhldr
Wanda Liu, Vice Pres/Sec/Treas/Dir/
Shrhldr
HOT PLATE ASIAN CUISINE (L)
14795 Murray Scholls Drive #112
Beaverton OR 97007
(34-38701-L)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Wanda Liu failed to verify the age of a Beaverton Police Department minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (October 25, 2005).

(First, Category III)

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

AGGRAVATION

Corporate Principal Wanda Liu personally committed this violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

9. Nancy Dunford Properties, Inc.
Nancy Dunford, Pres/Sec/Treas
ROCKY'S PLACE (L)
464 Portland Ave
Gladstone OR 97027
(03-02595-L)

Violation Number One

OAR 845-006-0345 (1) - Licensee's employee, David Rouska, was under the influence while on duty at the licensed premises (August 5, 2005).

(First, Category II)

Violation Number Two

ORS 471.410 (1) - Licensee's employee, Joni Hinkle and Licensee's agent, Verna Rouska, knowingly sold, served or otherwise made alcohol available to David Rouska, a visibly intoxicated person (August 5, 2005).

(First, Category III)

Note: Service Permittee David Rouska and Agent Verna Rouska received Notice of Violation tickets and have served suspensions. Service Permittee Joni Hinkle received a Notice of Warning.

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated September 28, 2005. The proposed sanction, with aggravation, was a 44-day suspension **or** a civil penalty of \$1,980 and a 32-day mandatory suspension. Licensee originally requested a hearing and now withdraws that request to enter into this Settlement Agreement.

AGGRAVATION

1. Employee David Rouska made efforts to conceal Violation Number One.
2. Two employees were involved in Violation Number Two.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated September 28, 2005. These were Licensee's first Category II and Category III 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 30-day suspension for Violation Number one and a 10-day suspension or \$1,650.00 civil penalty for Violation Number Two. Staff added four days for aggravation, for a total of a 44-day suspension, or a 32-day suspension and civil penalty of \$1,980.00.

ROCKY'S PLACE continued

3. The Commission will reduce the sanction by 12 days. This is equivalent to a 30% reduction of the standard sanction before aggravation.
4. Licensee will pay a civil penalty of \$1,485.00 by 5:00 PM on January 27, 2006 and serve a 23-day suspension beginning at 7:00 AM on February 1, 2006 and ending at 7:00 AM on February 24, 2006 **or** Licensee will serve a 32-day suspension beginning at 7:00 AM on February 1, 2006 and ending at 7:00 AM on March 5, 2006.
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 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 17, 2006 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

10. Varinder Singh
SHORT CUT MARKET (O)
508 NE Winchester St
Roseburg OR 97470
(10-15497-O)

ORS 471.410 (1) - Licensee's employee,
Amrik Singh, knowingly sold, served or
otherwise made alcohol available to a
visibly intoxicated patron (June 14, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated November 7, 2005. The proposed sanction, after the fast track deadline, was a \$1,650 civil penalty **or** a 10-day suspension. 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 Amended Notice of Proposed License Suspension or 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.
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. Licensee will serve a 7-day suspension beginning at 7:00 AM on February 1, 2006 and ending at 7:00 AM on February 8, 2006 or pay a \$1,155.00 civil penalty before 5:00 PM on January 27, 2006.
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 January 17, 2006 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

11. Mama Mia Trattoria, Inc.
Lisa Schroeder, President
Stephanie Cohen, Secretary/Treasurer
Robert Sample, Director
MAMA MIA TRATTORIA (FCOM)
439 SW 2nd Avenue
Portland OR 97204
(26-38375-FCOM)

ORS 471.360 (1)(b) - Licensee permitted three employees to sell, mix or serve alcohol, or manage those who do, without valid service permits (varying lengths of time between November 2004 and November 1, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated November 21, 2005. The proposed sanction, after aggravation, was a \$3,300 civil penalty **or** a 20-day suspension. Licensee has requested to enter into this Settlement Agreement.

AGGRAVATION

1. Three employees were working without valid service permits.
2. Two employees were working for approximately one year, and another was working for approximately six months, without valid service permits.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated November 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 ten days for aggravation for a total of a 20-day suspension or civil penalty of \$3,300.00.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction before aggravation.
4. Licensee will pay a civil penalty of \$2,805.00 by 5:00 PM on January 27, 2006 or serve a 17-day suspension beginning at 7:00 AM on February 1, 2006 and ending at 7:00 AM on February 18, 2006.
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.

MAMA MIA TRATTORIA continued

6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 17, 2006 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

12. Gallant Endeavor, Ltd.
Ken A. Pickett, Pres/Dir/Shrhldr
Kathryn D. Pickett, Sec/Dir/Shrhldr
SMOKIN' SWINE PUBLIC HOUSE (L)
2809 Market Street NE
Salem OR 97301
(24-36899-L)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employees, Jenny Lopez and
Leslie Powers, failed to verify the age of a
Salem Police Dept. minor decoy before
allowing the decoy to purchase alcohol
when he reasonably appeared to be
under 26 years of age (September 1,
2005).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) - Licensee permitted
employee Leslie Powers to mix, sell or
serve alcohol, or manage those who do,
without a valid service permit (from about
February 2005 to about September 1,
2005).

(Second, Category III)

Violation Number Three
ORS 471.482 (1) - Licensee's employee,
Jenny Lopez, took an order for, served or
sold alcohol when she was under 18
years of age (September 1, 2005).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by
Notice dated December 2, 2005. The proposed
sanction, considering mitigation and aggravation,
was a \$5,115.00 civil penalty or a 31-day
suspension. Licensee has requested to enter
into this Settlement Agreement.

MITIGATION

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

AGGRAVATION

1. Two employees participated in Violation Number
One.
2. Employee Leslie Powers worked for at least six
months without a valid service permit (Violation
Number Two).

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension or Civil Penalty. Violations Number One and Two were Licensee's first and second Category III violations and Violation Number Three was 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.

SMOKIN' SWINE PUBLIC HOUSE continued

2. Regulatory staff originally proposed for Violation Number One the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because two employees participated in this violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. Regulatory staff originally proposed for Violation Number Two the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because Leslie Powers worked for at least six months without a valid service permit, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
4. Regulatory staff originally proposed for Violation Number Three the standard sanction of a 7-day suspension or a \$1,155.00 civil penalty.
5. The Commission will reduce the sanction by 8 days. This is equivalent to a 30% reduction of the standard sanction.
6. Licensee will serve a 23-day suspension beginning at 7:00 AM on January 23, 2006 and ending at 7:00 AM on February 15, 2006.
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 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 17, 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.