

**ADMINISTRATIVE POLICY & PROCESS DIVISION
VIOLATION CASES TO BE RATIFIED BY COMMISSION**

February 16 - 17, 2006

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Silver Sunset, LLC Ron J. Agresti, Member Ruth E. Agresti, Member BRIGHTON MARINA (O) 29200 Highway 101 N Rockaway Beach OR 97136 (29-37975-O)	OAR 845-006-0335 (1)(a)(b)(c) - Member Ron Agresti 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 (November 18, 2005). (First, Category IIIa)	\$1,485 CIVIL PENALTY - OR - 9-DAY SUSPENSION <u>AGGRAVATION</u> Member Ron Agresti was personally involved in the violation.
2. The Ratskeller Restaurant LLC E. Charles Wessinger, Member RATSKELLER (FCOM) 88335 E Government Camp Loop Government Camp OR 97028 (03-14558-FCOM)	OAR 845-006-0335 (3)(a) - Licensee's employee, Johnny Lee Prestridge, permitted a person under 21 years of age to consume alcohol on the licensed premises (September 25, 2005). (Second, Category III)	32-DAY SUSPENSION - OR - \$4,950 CIVIL PENALTY AND 2-DAY SUSPENSION <u>AGGRAVATION</u> Johnny Lee Prestridge attempted to conceal the violation.
3. S.A.M. Industries, Inc. Arthur Meeker, President Sarah Meeker, Vice President Kathryn Byram, Secretary/Treasurer REDBEARD'S STEAK & SEAFOOD (FCOM) 1581 S Main Lebanon OR 97355 22-04966-FCOM)	OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Sarah Meeker failed to verify the age of an OLCC minor decoy before allowing the decoy to buy or be served alcohol when she reasonably appeared to be under 26 years of age (November 16, 2005). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Corporate Principal Sarah Meeker participated in the violation.

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| <p>4. Patrick Creech
 COW BELLE CAFÉ & 2ND CHANCE SALOON (L)
 182 South Highway 101
 Rockaway Beach OR 97136
 (29-03202-L)</p> | <p>OAR 845-006-0335 (1)(a)(b)(c) -
 Licensee Patrick Creech failed to verify the age of an OLCC minor decoy before allowing the decoy to buy or be served alcohol when she reasonably appeared to be under 26 years of age (November 18, 2005).</p> <p>(First, Category III)</p> | <p>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee Patrick Creech was personally involved in the violation.</p> |
| <p>5. Hyon S. Kim
 Kun H. Kim
 JACK'S MARKET (O)
 590 Tangent St.
 Lebanon OR 97355
 (24-04961-O)</p> | <p>OAR 845-006-0335 (1)(a)(b)(c) -
 Licensee Kun Kim 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 (November 8, 2005).</p> <p>(First, Category III)</p> | <p>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee Kun Kim participated in the violation.</p> |
| <p>6. Beverly A. Blum
 Forrest E. Blum
 SANDLAKE GROCERY (O)
 20960 Sandlake Road
 Cloverdale OR 97112
 (29-03173-O)</p> | <p>OAR 845-006-0335 (1)(a)(b)(c) -
 Licensee Beverly Blum 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 (November 18, 2005).</p> <p>(First, Category III)</p> | <p>\$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION</p> <p>(Licensees paid the \$330 civil penalty on January 6, 2006.)</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee Beverly Blum was personally involved in the violation.</p> <p style="text-align: center;"><u>MITIGATION</u></p> <p>Licensees have purchased and will use age verification equipment.</p> |
| <p>7. Cox Brothers Corporation</p> | <p>OAR 845-006-0335 (1)(a)(b)(c) -</p> | <p>\$1,155 CIVIL PENALTY - OR - 7-DAY SUSPENSION</p> |

Jeremy Cox, President
Christopher M. Cox, Vice President
JC'S BAR & GRILL (FCOM)
642 NW Franklin
Bend OR 97701
(09-35725-FCOM)

Licensee's employee, Stephen White,
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 4, 2005).

(First, Category IIIa)

(Licensee's \$1,155 fine payment was received on
January 23, 2006.)

Note: Licensee was first charged with this violation by
Notice dated August 23, 2005. An amended
Notice was sent December 16, 2005. Licensee
originally requested a hearing and then withdrew
that request on January 10, 2006.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Jean T. Falco
LOCAL MARKET (O)
18698 Cornett Road
Brookings OR 97415
(08-04271-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, Gabriel Mar, failed
to verify the age of an OLCC minor
before allowing the minor to purchase
alcohol when he reasonably appeared to
be under 26 years of age (July 15, 2005).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was first charged with this violation by Notice dated September 7, 2005. The proposed sanction was a \$4,950 civil penalty or a 30-day suspension. Licensee originally requested a hearing and now wishes to withdraw 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 Suspension or Civil Penalty dated September 7, 2005. This was Licensee's 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 Licensee's license for 30 days or assess a civil penalty of \$4,950.00.
3. The Commission will reduce the sanction for the violation to a 21-day suspension **or** a \$3,465.00 civil penalty. This is equivalent to a 30% reduction of the standard sanction.
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 February 27, 2006 **or** serve a 21-day suspension beginning at 7:00 AM on March 4, 2006 and ending at 7:00 AM on March 25, 2006.
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 February 16 - 17, 2006 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

9. Dae-Hwa Won
Eun-Hwan Won
DIVISION MARKET (O)
2404 SE 79th
Portland OR 97206
(26-05222-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Eun-Hwan failed to verify the
age of an OLCC minor decoy before
allowing the decoy to purchase alcohol
when she reasonably appeared under 26
years of age (October 27, 2005).

(First, Category IIIa)

SETTLEMENT AGREEMENT

Note: Licensees were first charged with this violation by Notice dated December 9, 2005. The proposed sanction, after considering aggravation and mitigation, was a \$1,155 civil penalty or a 7-day suspension. Licensees originally requested a hearing and now wish to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Licensee Eun-Hwan Won participated in the violation.

MITIGATION

Licensees have a lengthy record of compliance.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated December 9, 2005. This was Licensees' first Category IIIa 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 IIIa.
2. Regulatory staff originally proposed that the Commission suspend Licensees' license for 7 days or assess a civil penalty of \$1,155.00.
3. The Commission will reduce the sanction for the violation to a 5-day suspension **or** a \$825.00 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 \$825.00 by 5:00 PM on February 27, 2006 **or** serve a 5-day suspension beginning at 7:00 AM on March 4, 2006 and ending at 7:00 AM on March 9, 2006.
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.

DIVISION MARKET continued

7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners during their February 16-17, 2006 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

10. Haritha Corporation
Nagendramma Lakireddy, President
Pullareddy Lakireddy, Vice President
Shelby Blevins
**TAJ PALACE INDIAN CUISINE/WALL
STREET LOUNGE (FCOM)**
917 NW Wall St.
Bend OR 97701
(09-20855-FCOM)

Violation Number One
OAR 845-006-0347 (2)(a) - Licensees
permitted disorderly activity on the
premises when employee Daniel Mobley
harassed, threatened or physically
harmed David Hait (September 23,
2004).

(Second, Category III)

Violation Number Two
OAR 845-006-0335 (1)(a)(b)(c) -
Licensees' employee, Patricia Walters,
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
(June 4, 2005).

(Third, Category III)

Violation Number Three
OAR 845-006-0335 (3)(b) - Licensees'
employees, Jeremy Jenkins and Larry
DeMontegre, permitted two minor decoys
to be on the licensed premises or in an
area of the licensed premises which is
prohibited to minors (June 4, 2005).

(Second, Category IV)

SETTLEMENT AGREEMENT

Note: Licensees were first charged with Violation
Number One by Notice dated May 18, 2005. An
Amended Notice, dated August 8, 2005, added
Violations Number Two and Number Three. The
proposed sanction for the three violations, with
aggravation considered, was an 82-day
suspension **or** a \$7,260 civil penalty and a 38-
day mandatory suspension. Licensees originally
requested a hearing and now wish to withdraw
that request to enter into this Settlement
Agreement.

AGGRAVATION

Violation Number One

1. The violation occurred after the licensee had
received a prior warning regarding permitting
disorderly activity.
2. Licensees' employee was involved in the disorderly
activity.
3. The violation resulted in serious injury to David Hait.

Violation Number Two

1. Two minors were involved in the violation.

Violation Number Three

1. Two employees were involved in the violation.
2. Employees permitted two minors in the area of the
licensed premises prohibited to minors.

TERMS OF AGREEMENT

1. Licensees accept responsibility for Violations Number Two and Three as set out in the Amended Notice of Proposed License Suspension/Civil Penalty dated August 8, 2005. These were Licensees' second Category III and Category IV violations within two years. Any subsequent violation of these types within the same two-year period will be charged at the third level.
2. Regulatory staff originally proposed a sanction of a 30-day suspension or civil penalty of \$4,950.00 for Violation Number One and added six days of aggravation. Regulatory staff proposed a mandatory 30-day suspension of Violation Number Two and a 10-day suspension or \$1,650 civil penalty for Violation Number Three, and added six days of aggravation for these violations.
3. The Commission withdraws the charges for Violation Number One as set forth in the Notice dated August 8, 2005. Licensees will accept a Notice of Warning for this incident.
4. The Commission will reduce the sanction for Violations Number Two and Three by 10 days. This is equivalent to a 30% reduction of the standard sanction. The Commission also withdraws two days of aggravation for Violation Number Two.
5. Licensees will pay a civil penalty of \$5,280.00 by 5:00 PM on February 27, 2006, or serve a 32-day suspension beginning at 7:00 AM on March 4, 2006 and ending at 7:00 AM on April 5, 2006 for Violations Number Two and Three.
6. Licensees withdraw the request for hearing in these matters.
7. 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 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 February 16 - 17, 2006 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

11. Patricia Walters
Service Permittee
824 SE 6th Street
Bend OR 97701

OAR 845-006-0335 (1)(a)(b)(c) - Service
Permittee Patricia Walters 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 (June 4, 2005).

Employed at: TAJ PALACE INDIAN
CUISINE/WALL STREET
LOUNGE (FCOM), Bend

(First, Category III)

SETTLEMENT AGREEMENT

Note: Permittee was first charged with this violation by OLCC Violation Notice No. 00041 (fast track) dated July 8, 2005. The proposed sanction, after the fast track deadline, was a \$250 civil penalty or a 10-day suspension. Permittee Walters originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in OLCC Violation Notice No. 00041. 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 \$250.00 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 pay a civil penalty of \$175.00 by 5:00 PM on February 27, 2006 **or** serve a 7-day suspension beginning at 7:00 AM on March 4, 2006 and ending at 7:00 AM on March 11, 2006.
5. Permittee withdraws the request for hearing in this matter.
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 Permittee's Commission file.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their February 16-17, 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and the Permittee's hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

12. North House Enterprises, LLC
Ghassan Samander, President
**EXOTICA INTERNATIONAL CLUB
FOR MEN (FCOM)**
240 NE Columbia Blvd.
Portland OR 97211
(26-00133-FCOM)

OAR 845-009-0010(1)(b) - Licensee's
Manager, Dustin McClain, supervised
employees who mix, sell or serve alcohol
without having a service permit
(September 29, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was first charged with this violation by
OLCC Violation Notice No. 8488 (fast track)
dated October 19, 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 wishes to
withdraw that request to enter into this
Settlement Agreement.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the OLCC Violation dated October 19, 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 or civil penalty of \$1,650.00.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$1,155.00 by 5:00 PM on February 27, 2006 **or** serve a 7-day suspension beginning at 7:00 AM on March 4, 2006 and ending at 7:00 AM on March 11, 2006. [Licensee's \$1,155.00 fine payment was received on January 31, 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 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their February 16 -17, 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.