

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

March 13, 2006

LICENSEE/PERMITTEE

VIOLATION

SANCTION & COMMENTS

1. El Indio Mexican Restaurant, Inc.
Jesus Ruelas, President/Stockholder
Miguel Contreras Ruelas, VP/Stockholder
EL INDIO II (FCOM)
920 E Powell Blvd.
Gresham OR 97030
(26-35570-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employee, Gilberto Jimenez,
failed to verify the age of five minors
before allowing the minors to buy or be
served alcohol when they reasonably
appeared to be under 26 years of age
(August 31, 2005).

(First, Category III)

\$2,310 FINE - OR - 14-DAY SUSPENSION

Note: Licensee’s \$2,310 fine payment was received on
01/25/06.

AGGRAVATION

1. The violation involved five minors.
2. Each minor received more than one alcoholic beverage.

MITIGATION

1. Licensee has a lengthy record of good compliance.
2. Licensee took steps after the violation to prevent future violations.
3. Licensee will purchase and use age verification equipment in accordance with OAR 845-009-0140. (On 01/17/06, Inspector Espasandin verified Licensee’s equipment had been installed and is currently in use.)

2. **GILBERTO JIMENEZ**
Service Permit # 223954

OAR 845-006-0335 (1)(a)(b)(c) – Service
Permittee Jimenez failed to verify the age
of five minors before allowing the minors
to buy or be served alcohol when they
reasonably appeared to be under 26
years of age (August 31, 2005).

(First, Category III)

**28-DAY SUSPENSION - OR –
\$500 FINE - AND - 8-DAY MANDATORY SUSPENSION**

Note: Permittee’s \$500 civil penalty was received on
01/31/06.

Employed at: **EL INDIO II**
920 E Powell Blvd.
Gresham OR 97030

GILBERTO JIMENEZ continued

3. Hamley's , LLC
Blair Woodfield, Managing Member
Parley Pearce, Member
HAMLEY'S (O)
30 SE Court
Pendleton OR 97801
(30-39511-O)

ORS 471.289 (1) – Managing Member Blair Woodfield imported into Oregon wine for resale at Hamley's prior to the manufacturer of the wine obtaining a certificate of approval from the Commission (September 7, 2005).

(First, Category V)

AGGRAVATION

1. The violation involved five minors.
2. Each minor received more than one alcoholic beverage.

\$825 FINE - OR - 5-DAY SUSPENSION

AGGRAVATION

Managing Member Blair Woodfield personally committed the violation.

4. Great Northwest Restaurants, Inc.
Mike Alizadeh, Pres/Dir/Stkhldr
TGI FRIDAY'S (FCOM)
10145 SW Washington Square Rd
Tigard OR 97223
(34-07468-FCOM)

ORS 471.360 (1)(b) – Licensee's employee, Robin Kelsey, mixed, sold, or served alcohol or managed those who do, without having a valid service permit (from about January 3, 2004 to about January 3, 2006).

(First, Category III)

\$1,980 FINE - OR - 12-DAY SUSPENSION

AGGRAVATION

Robin Kelsey worked without a service permit for approximately two years.

5. Lam's Lucky Inn Restaurant, Inc.
Wan Nang Lam, President/Stockholder
Jocelin Lam, Secretary/Stockholder
LUCKY INN (L)
1671 Columbia Blvd.
St. Helens OR 97051
(05-21377-L)

OAR 845-006-0335 (1)(a)(b)(c) – Corporate Principal Jocelin Lam 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 (November 18, 2005).

(First, Category III)

LETTER OF REPRIMAND

AGGRAVATION

Corporate Principal Jocelin Lam personally committed this violation.

MITIGATION

1. Licensee has a lengthy record of good compliance.
2. Licensee will purchase and use age verification equipment in accordance with OAR 845-009-0140. (Inspector Wellman verified Licensee's equipment had been purchased and was in use on 12/21/05.)

6. Martin Ochoa
LUPITA'S (FCOM)
311 N Front Street
Woodburn OR 97071
(24-26140-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employees, Monica Martinez
and Rosario Ochoa, 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 22,
2005).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) – Licensee's
employee, Monica Martinez, mixed, sold
or served alcohol, or managed those who
do, without having a valid service permit
(from about July 22, 2005 to about
November 22, 2005).

(Second, Category III)

Violation Number Three
ORS 471.482 (1) – Licensee's employee,
Rosario Ochoa, took an order for, served
or sold alcohol when she was under 18
years of age (November 22, 2005).

(First, Category IV)

7. John Lamont, Inc.
John Lamont, Pres/Dir/Shrholder
Susan Lamont, VP/Dir/Shrholder
MAC'S MARKET & DELI (L)
14740 NW Cornell
Portland OR 97229
(26-19774-O)

ORS 471.360 (1)(b) – Licensee's
employees, Leonard Nelson and Marshall
Jordan, mixed, sold or served alcohol, or
managed those who do, without having a
valid service permit (both from about
October 19, 2005 to about December 9,
2005).

(First, Category III)

\$4,455 FINE - OR - 27-DAY SUSPENSION

AGGRAVATION

Two employees participated in Violation Number One.

MITIGATION

1. Licensee has a lengthy record of good compliance.
2. Violations Number One and Two were both charged at the first level because they were discovered concurrently.

\$1,980 FINE - OR - 12-DAY SUSPENSION

AGGRAVATION

This violation involved two employees without service permits.

8. Charburger, Inc.
Daniel A. Bausch, President
Troy C. Bausch, Vice President
Judith D. Bausch, Secretary/Treasurer
CHARBURGER (FCOM)
745 Wa-Na-Pa Street
Cascade Locks OR 97014
(14-14664-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) –
Corporate Principal Daniel Bausch 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, 2005).

(First, Category III)

\$1,650 FINE - OR - 10-DAY SUSPENSION

AGGRAVATION

Corporate Principal Daniel Bausch participated in the
violation.

MITIGATION

Licensee has a lengthy history of compliance.

9. Riverplace Athletic Investors, LLC
D. W. Sivers Co., Managing Member
E. Anne Sivers, Member
E. E. Sivers Marital Trust, Member
Winette S. Sivers, Member
RIVERPLACE ATHLETIC CLUB (L)
0150 SW Montgomery
Portland OR 97201
(26-17570-L)

ORS 471.360 (1)(b) – Licensee’s
employees, Krista Puppolo and
Rosemarie Arena, mixed, sold, or served
alcohol, or managed those who do,
without having a valid service permit
(varying lengths of time from about
January 22, 2005 to about November 18,
2005).

(First, Category III)

\$2,640 FINE - OR - 16-DAY SUSPENSION

AGGRAVATION

1. This violation involved two employees without service permits.
2. Rosemarie Arena worked without a service permit for approximately 10 months.
3. Licensee received prior warning regarding service permits on September 27, 2005.

10. **JENNIFER M WAKEFIELD**
Service Permittee # 203966

Employed at: **CHEERS II** (FCOM)
1889 Willamette Falls Drive
West Linn OR 97068
(03-24974-FCOM)

Violation Number One

OAR 845-006-0347 (3)(a) – Service
Permittee Wakefield permitted unlawful
activity when she delivered marijuana for
consideration on the licensed premises
(March 29, 2005).

(First, Category III)

**70-DAY SUSPENSION - OR -
\$750 FINE - AND - 40-DAY MANDATORY
SUSPENSION**

Note: The Licensee of Cheers II was also
charged with violations related to this
matter and has requested a hearing.

Violation Number Two

OAR 845-006-0347 (3)(a) – Service
Permittee Wakefield permitted unlawful
activity when she witnessed a delivery of
marijuana for consideration on the
licensed premises (April 7, 2005).

JENNIFER M WAKEFIELD continued

(Second, Category III)

Violation Number Three

OAR 845-006-0347 (3)(a) – Service Permittee Wakefield permitted unlawful activity when she delivered marijuana for consideration on the licensed premises (April 7, 2005).

(Third, Category III)

11. Jessica M. Tran

PARADISE SPORTS BAR & CAFE (L)

12423 NE Glisan
Portland OR 97230
(26-37536-L)

Violation Number One

OAR 845-006-0475 (2)(a) - Licensee knowingly allowed Tien Tran to obtain an interested in the business without prior Commission approval (from about June 2004 to about June 2005).

(First, Category I)

Violation Number Two

OAR 845-006-0335 (3)(a) - Licensee's employee, Tien Tran, permitted six minors to buy, be served or drink alcohol on the licensed premises (February 14, 2005).

(First, Category III)

Violation Number Three

OAR 845-006-0335 (3)(b) - Licensee's employee, Tien Tran, permitted two minors to be on the licensed premises or in an area of the premises which is prohibited to minors (February 14, 2005).

(First, Category IV)

LETTER OF REPRIMAND

Note: Licensee was charged with these violations by Notice dated October 18, 2005. The proposed sanction, considering aggravation, was a Letter of Reprimand because Licensee's interest in the license had expired (sold business). Licensee originally requested a hearing and now withdraws that request. Because Licensee has withdrawn her request, Staff recommends the Commission issue Licensee a Letter of Reprimand. This Reprimand will become a permanent part of Licensee's Commission file and may be considered in any future application for a liquor license by the Licensee.

AGGRAVATION

1. Six minors were permitted to buy, be served or consume alcoholic beverages on the licensed premises.
2. Two minors were permitted to be in an area of the licensed premises prohibited to minors.
3. Four of the minors on the licensed premises were juveniles.
4. Violation Number Three resulted in the death of a minor.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

12. Alonzo Gutierrez
Sandra Gutierrez
TAQUERIA DOS ARBOLITOS (FCOM)
590 Main St.
Lebanon OR 97355
(22-26560-FCOM)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) – Licensees’ employees, Rosenda Martinez Canuto and Martha Barbosa Garcia, 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)

Violation Number Two

OAR 845-006-0426 – Licensees failed to maintain staff on the licensed premises who could communicate effectively with Commission staff during business hours (November 16, 2005).

(Second, Category III)

Violation Number Three

ORS 471.482 (1) – Licensees’ employee, Martha Barbosa Garcia, took orders for, served or sold alcohol when she was under 18 years of age (November 16, 2005).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensees were charged with these violations by Notice dated January 18, 2006. The proposed sanction, considering aggravation and mitigation, was a \$4,455 civil penalty **or** a 27-day suspension. Licensees request to enter into this Settlement Agreement.

AGGRAVATION

Violation Number One involved two employees.

MITIGATION

1. Violations Number One and Two were each charged at the first level of Category III because they were discovered and charged concurrently.
2. Licensees have a lengthy history of compliance with the Commission.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension or Civil Penalty dated January 18, 2006. These were Licensees’ first and second Category III violations and first Category IV violation within two years. Violations Number One and Two were each charged at the first level of Category III because they were discovered and charged concurrently. Any subsequent violation of these types within the same two-year period will be charged at the second level.

TAQUERIA DOS ARBOLITOS continued

2. Regulatory staff originally proposed the standard sanction of a 27-day suspension, added two days for aggravation, and subtracted two days for mitigation, for a total of a 27-day suspension or civil penalty of \$4,455.00.
3. Licensees will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), by March 1, 2006 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. [Licensees' equipment was installed on 11/23/05.]
4. The Commission will reduce the sanction for Violations Number Two and Three by five days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensees will pay a civil penalty of \$1,980.00 by 5:00 PM on March 23, 2006 **or** serve a 12-day suspension beginning at 7:00 AM on March 28, 2006 and ending at 7:00 AM on April 9, 2006.
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 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 13, 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

13. Deschutes Restaurant Corp.
Mark Hemstreet, President/Director
Philip Harris, Vice President/Director
John Kneeland, Vice President
David Forni, Secretary
Shilo Inn, Bend, LLC, Stockholder
DESCHUTES RIVER GRILL & PIZZA
(FCOM)
3105 OB Riley Road
Bend OR 97701

ORS 471.360 (1)(b) – Licensee’s employees, Jeremy Deboard, Ron Young, and Kristy Johnson mixed, sold, or served alcohol, or managed those who do, without having a valid service permit (varying lengths of time from about November 7, 2005 to about January 5, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated January 30, 2006. The proposed sanction, considering aggravation and mitigation, was a \$1,980 civil penalty or a 12-day suspension. Licensee has requested to enter into this Settlement Agreement.

AGGRAVATION

This violation involved three employees without service permits.

MITIGATION

Licensee has a lengthy record of good compliance.

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.
2. Regulatory staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty, subtracted two days for mitigation because of Licensee’s lengthy record of good compliance, and added four days for aggravation because the violation involved three employees who did not have service permits, for a total of a 12-day suspension or a \$1,980.00 civil penalty.
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 \$1,485.00 civil penalty before 5:00 PM on March 23, 2006 or serve a nine-day suspension beginning at 7:00 AM on March 28, 2006 and ending at 7:00 AM on April 6, 2006. [Licensee’s \$1,485.00 fine payment was received on March 2, 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 13, 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

14. Stubborn Mule Saloon & Steakhouse, Inc.
Gary Bethscheider, Pres/Dir/Stkhldr
Terra Connell, Sec/Dir/Stkhldr
**STUBBORN MULE SALOON &
STEAKHOUSE** (FCOM)
104 S Main Street
Joseph OR 97846
(32-35708-FCOM)

Violation Number One
OAR 845-006-0345 (1) – Corporate
Principal Terra Connell was under the
influence of intoxicants while on duty (July
30, 2005).

(First, Category II)

Violation Number Two
ORS 471.360 (1)(b) – Licensee’s
employee, Rikki Barton, mixed, sold or
served alcohol without having a valid
service permit (July 30, 2005).

(First, Category III)

Violation Number Three
ORS 471.410 (1) – Licensee’s employee,
Rikki Barton knowingly sold, served or
otherwise made alcohol available to a
visibly intoxicated person (July 30, 2005).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by
Notice dated September 26, 2005. The proposed
sanction, considering aggravation and mitigation,
was a 56-day suspension - or - \$3,960 civil
penalty and a 32-day mandatory suspension.

AGGRAVATION

1. Corporate Principal Connell personally committed
Violation Number One.
2. Employee Rikki Barton was mixing, selling and
serving alcoholic liquor without a valid service permit
for at least eleven months.
3. Employee Rikki Barton made efforts to conceal
Violation Number Three.

MITIGATION

Violations Number Two and Three were charged at the
first level of Category III because they were discovered
and charged concurrently.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations Number Two and Three as set out in the Notice of Proposed License Suspension or Civil Penalty. These were Licensee’s first 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.
2. The Commission withdraws Violation Number One and imposes a Letter of Warning regarding OAR 845-006-0345 (1) (under the influence of intoxicants while on duty).
3. Regulatory staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty for each of Violations Number Two and Three and added four days for aggravation because Rikki Barton was mixing, selling and serving alcoholic liquor without a valid service permit for at least 11 months and because she made efforts to conceal Violation Number Three, for a total of a 24-day suspension or a \$3,960.00 civil penalty.

STUBBORN MULE SALOON & STEAKHOUSE continued

4. The Commission will reduce the sanction by six days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a \$2,970.00 civil penalty before 5:00 PM on March 13, 2006 or serve an 18-day suspension beginning at 7:00 AM on March 14, 2006 and ending at 7:00 AM on April 1, 2006.
6. Licensee withdraws the request for a hearing in this matter.
7. 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 13, 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.

