

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

April 14, 2006

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
<p>1. MYC, Inc. Michael Chang, President/Stockholder Grace Chang, Secretary/Stockholder SNEAKERS SPORTS BAR & GRILL (FCOM) 17995 SW Lower Boones Ferry Rd. Tigard OR 97223 (34-02381-FCOM)</p>	<p>ORS 471.360 (1)(b) - Corporate Principal Michael Chang mixed, sold or served alcohol, or managed those who do, without a valid service permit (from about August 27, 2003 to about January 5, 2006).</p> <p>(First, Category III)</p>	<p>\$2,640 CIVIL PENALTY - OR - 16-DAY SUSPENSION</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <ol style="list-style-type: none"> 1. Corporate Principal Michael Chang personally committed this violation. 2. Michael Chang worked without a service permit for over two years. 3. Licensee received prior warning regarding Michael Chang's service permit on August 3, 2004.
<p>2. Yuan J. Huang NEW CHINA GARDEN (FCOM) 116 W Baseline Cornelius OR 97113 (34-02356-FCOM)</p>	<p>ORS 471.360 (1)(b) - Licensee's employee, Marilyn Davis (aka Davidson) mixed, sold or served alcohol, or managed those who do, without a valid service permit (from about December 4, 2004 to about January 12, 2006).</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> <ol style="list-style-type: none"> 1. Employee Davis (aka Davidson) worked for over one year without a valid service permit.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

3. Self Service Market Inc.
Il Wook Kim, President/Chairman
Sung Sook Kim, VP/Director
SELF SERVICE MARKET (O)
12325 SE 82nd Ave.
Portland OR 97266
(03-02548-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Corporate Principal Sung Sook Kim 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 (January 25,
2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated February 13, 2006. The proposed
sanction, considering aggravation and mitigation,
was a \$1,650 civil penalty **or** a 10-day
suspension. Licensee requests to enter into this
Settlement Agreement.

AGGRAVATION

Corporate Principal Sung Sook Kim participated in the
violation.

MITIGATION

Licensee has a lengthy history of compliance.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated February 13, 2006. 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 in Category III.
2. Regulatory staff originally proposed the standard sanction of a 10-day suspension, added two days for aggravation, and subtracted two days for mitigation, for a total of a 10-day suspension or civil penalty of \$1,650.00.
3. Licensee 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. Licensee will run all alcohol sales through the register at which the age verification equipment is installed. Licensees will provide proof of purchase of the equipment by March 15, 2006.
4. The Commission will allow the Licensee to purchase age verification equipment in lieu of the suspension or civil penalty assessed for the violation.
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 April 13-14, 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

4. Eitedal M. Mustafa
Kamal D. Zayed
JACKPOT FOOD MART (O)
770 Lancaster Drive SE
Salem OR 97301
(24-10813-O)

OAR 845-006-0335 (1) - Licensees' employee, William Hansen, failed to verify the age of a Marion County Sheriff's Office minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (August 24, 2005).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by OLCC Violation Notice No. 08612, dated October 4, 2005. The proposed sanction, after the fast track deadline, was a \$4,950 civil penalty **or** a 30-day suspension. Licensees had 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 OLCC Violation Notice dated October 4, 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.
2. Regulatory staff originally proposed the standard sanction of a 30-day suspension or civil penalty of \$4,950.00.
3. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will join the Responsible Vendor Program by March 1, 2006 and agree to maintain the program standards set forth in OAR 845-009-0135. The Commission will reduce the sanction by two days for this circumstance. [Licensees were accepted into the Responsible Vendor Program effective February 21, 2006.]
5. Licensees will pay a civil penalty of \$3,135.00 by 5:00 PM on April 24, 2006 **or** serve a 19-day suspension beginning at 7:00 AM on April 29, 2006 and ending at 7:00 AM on May 18, 2006.
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 April 13-14, 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

5. CC Slaughter's Portland, Inc.
John P. Houston, President
Bruce E. Rice, Secretary
CC SLAUGHTER'S (FCOM)
219 NW Davis
Portland OR 97209
(26-00657-FCOM)

Violation Number One

ORS 471.405 (1) - Licensee sold or offered for sale alcoholic beverages in a manner other than the license permits when Licensee sold alcohol outside of the licensed premises without obtaining a temporary sales license (August 20, 2005).

(First, Category I)

Violation Number Two

OAR 845-006-0345 (1) - Licensee's employee, Rocco Jannetti III, was under the influence of intoxicants while on duty at the licensed premises (August 20, 2005).

(First, Category II)

Alternate Violation Number Two

OAR 845-006-0345 (1) - Licensee's employee, Rocco Jannetti III, was drinking alcoholic beverages while on duty (August 20, 2005).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated October 20, 2005. The proposed sanction, considering aggravation, was License Cancellation. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

AGGRAVATION

1. Violation Number One was an intentional violation of ORS 471.405 (1).
2. Corporate Principal Bruce Rice personally participated in Violation Number One.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violation Number One and Alternate Violation Number Two as set out in the Notice of Proposed Cancellation dated October 20, 2005. These were Licensee's first Category I violation and second Category III violation within two years.
2. Regulatory staff originally proposed to cancel the license for the charged violations.

CC SLAUGHTER'S continued

3. The Commission will reduce the sanction for Violation Number One from cancellation to a 4-day suspension and a \$5,000.00 civil penalty. The Commission will reduce the standard sanction for Alternate Violation Number Two to a 21-day suspension or \$3,465.00 civil penalty. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$8,465.00 by 5:00 PM on April 24, 2006 and serve a 4-day suspension beginning at 7:00 AM on April 29, 2006 and ending at 7:00 AM on May 3, 2006.
5. Licensee withdraws the request for a hearing in this matter.
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 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 April 13-14, 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

6. Tom V. Tran
FUJI'S GRILL & SUSHI (FCOM)
16062 SW Tualatin-Sherwood Road
Sherwood OR 97140
(34-24486-FCOM)

ORS 471.360 (1)(b) - Licensee permitted two employees to sell, mix or serve alcohol without valid service permits (varying dates from about January 20, 2005 to about October 25, 2005).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated November 22, 2005. The proposed sanction, after aggravation, was a \$2,310 civil penalty or a 14-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 Notice of Proposed License Suspension or Civil Penalty dated November 22, 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 in Category III.
2. Regulatory staff originally proposed a sanction of a ten-day suspension or \$1,650.00 civil penalty and added four days of aggravation.
3. The Commission will reduce the sanction for the violation by three days. This is equivalent to a 30% reduction of the standard sanction. The Commission also withdraws two days of aggravation for the violation.
4. Licensee withdraws the request for a hearing in this matter.
5. Licensee will pay a civil penalty of \$1,485.00 by 5:00 PM on April 24, 2006 or serve a nine-day suspension beginning at 7:00 AM on April 29, 2006 and ending at 7:00 AM on May 8, 2006. [Licensee's \$1,485.00 fine payment was received on March 10, 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 April 13-14, 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.