

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

July 17, 2006

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Martha M. Campos Ervin Campos-Reyes HAWTHORNE MARKET (O) 4163 SE Hawthorne Blvd. Portland OR 97214 (26-05233-O)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Martha Campos failed to verify the age of a Portland Police Bureau minor decoy before allowing the decoy to buy alcohol when she reasonably appeared to be under 26 years of age (March 28, 2006). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Martha Campos personally committed this violation.
2. Ronald E. Halstead Marilyn I. Halstead HALSTEAD'S MINI MART (O) 10120 Highway 42 Coquille OR 97423 (06-36809-O)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Ronald Halstead 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 (March 31, 2006). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Ronald Halstead personally committed this violation.
3. Vivian L. Lanegan JIM DANDY RESTAURANT (L) 9626 NE Sandy Blvd. Portland OR 97220 (26-29149-L)	<u>Violation Number One</u> OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employees, Dimas True and Robert Jauron, failed to verify the ages of two Portland Police Bureau minor decoys before allowing the decoys to buy or be	\$1,155 CIVIL PENALTY - OR - 7-DAY SUSPENSION (Licensee paid the \$1,155 civil penalty on June 19, 2006.) <u>MITIGATION</u> 1. Licensee has purchased and will use Age Verification

JIM DANDY RESTAURANT continued

served alcohol when they reasonably appeared to be under 26 years of age (March 28, 2006).

(First, Category III)

Violation Number Two

ORS 471.482 (1) - Licensee's employee, Dimas True, took orders for, sold, or served alcohol when he was under age 18 (March 28, 2006).

(First, Category IV)

4. Devaki D. Van Winkle
Jesse T. Simons
DJ'S DELI (L)
4906 NE 122nd Avenue
Portland OR 97230
(26-24907-L)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Devaki Van Winkle failed to verify the age of a Portland Police Bureau minor decoy before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (March 28, 2006).

(First, Category IIIa)

5. Lemongrass Restaurant, Inc.
Shelley Siripatrappa, President/Secretary
LEMONGRASS RESTAURANT (L)
1705 NE Couch
Portland OR 97232
(26-23892-L)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Shelley Siripatrappa failed to verify the age of a Portland Police Bureau minor decoy before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (March 28, 2006).

(First, Category III)

Equipment in accordance with OAR 845-009-0140.

2. Licensee has a lengthy history of compliance with the Commission.

AGGRAVATION

Violation Number One involved two employees.

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

(Licensee paid the \$330 civil penalty on May 9, 2006.)

MITIGATION

Licensee has purchased and will use Age Verification Equipment in accordance with OAR 845-009-0140.

AGGRAVATION

Licensee Devaki Van Winkle personally committed this violation.

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

MITIGATION

Licensee has a lengthy history of compliance.

AGGRAVATION

1. Corporate Principal Shelley Siripatrappa participated in the violation.
2. More than one employee participated in the violation.

6. Jason Thiel, LLC
Jason Thiel, Managing Member
GENO'S GRILL (FCOM)
3035 NE Kane Drive
Gresham OR 97030
(26-37288-FCOM)

OAR 845-006-0335 (3)(b) - Licensee's employee, Jacob Firth, permitted two minors to be on the licensed premises or in an area of the licensed premises prohibited to minors (January 4, 2006).

(First, Category IV)

\$1,485 CIVIL PENALTY - OR - 9-DAY SUSPENSION

AGGRAVATION

Two minors were involved in the violation.

7. Tusehatch, Inc.
Curtis A. Hatcher, Pres/Stkhldr
Deborah K. Muggenburg, Sec/Stkhldr
BOGART'S BAR & GRILL (FCOM)
701 NE 7th Avenue
Portland OR 97232
(26-00477-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Deborah Muggenburg failed to verify the age of two Portland Police Bureau minor decoys before allowing the decoys to buy or be served alcohol when they reasonably appeared to be under 26 years of age (March 28, 2006).

(First, Category IIIa)

\$1,485 CIVIL PENALTY - OR - 9-DAY SUSPENSION

AGGRAVATION

Corporate Principal Deborah Muggenburg personally committed this violation.

8. Victor D. Jones
TIPPY CANOE (FCOM)
28242 E Historic Columbia River Highway
Troutdale OR 97060
(26-36450-FCOM)

Violation Number One
OAR 845-005-0400 (1) - Licensee Victor Jones failed to maintain liquor liability insurance or a bond with a corporate surety in the amount of not less than \$300,000 (from September 2, 2005 until October 2, 2005).

(First, Category I)

Violation Number Two
ORS 471.425 (1) - Licensee Victor Jones made false statements to the Commission in order to induce or prevent action by the OLCC (November 28, 2005, February 11, 2006 and February 23, 2006).

(First, Category II)

Violation Number Three

LICENSE CANCELLATION

AGGRAVATION

1. Licensee received prior warning regarding maintaining liquor liability insurance.
2. Licensee made more than one false statement to the Commission in order to prevent action by the Commission.
3. The check that was returned for non-sufficient funds has not yet been fully paid.
4. Licensee was personally involved in Violation Number Two.

TIPPY CANOE continued

OAR 845-006-0365 (1) - Licensee Victor Jones issued a check to a wholesale licensee to pay for wine or malt beverage products. The check was returned for non-sufficient funds (July 24, 2005).

(First, Category V)

Violation Number Four

OAR 845-006-0481 - Licensee failed to give the Commission written notice that the licensed premises would be closed for more than 14 days (March 4, 2006).

(Second, Category V)

9. Siva, LLC
Panna P. Patel, Managing Member
WESTSIDE TEXACO FOOD MART (O)
912 NW Newport
Bend OR 97701
(09-19137-O)

OAR 845-006-0335 (1)(a)(b)(c) - Managing Member Panna Patel 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 (April 20, 2006).

(First, Category III)

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

(Licensee paid the \$1,980 civil penalty on July 5, 2006.)

AGGRAVATION

Managing Member Panna P. Patel personally committed the violation.

10. NW Sportbars, Inc.
Dustin R. Drago, President/Stockholder
Nicole Maldonado, Secretary/Stockholder
THE PORTSMOUTH CLUB (FCOM)
5264 N Lombard Avenue
Portland OR 97203
(26-00175-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees Glenn Saint-Paen, Josie Grasseeth, Kevin Beavers, and Sarah Hovdey, to sell, mix, or serve alcohol, or manage those who do, without valid service permits (varying dates from about November 15, 2005 to about May 10, 2006).

(First, Category III)

\$2,640 CIVIL PENALTY - OR - 16-DAY SUSPENSION

AGGRAVATION

This violation involved four employees without valid service permits.

11. POD, LLC

OAR 845-010-0170 (5) - Licensee failed

\$1,485 CIVIL PENALTY - OR - 9-DAY SUSPENSION

Adam Roberts, Managing Member
Ann Roberts, Member
Darryl Roberts, Member
MAIN STREET ALE HOUSE (BP)
333 N Main Street
Gresham OR 97030
(26-26248-BP)

to send to the Commission monthly reports summarizing the information in OAR 845-010-0170 (2)(3)(4) within the prescribed timeframe (from about January 20, 2006 to about March 20, 2006).

(First, Category IV)

AGGRAVATION
Licensee received a prior warning regarding untimely reports.

12. Doreen Van Dyke
Vernon Van Dyke
CRICKETT'S TAVERN (L)
300 Front Street
Gaston OR 97119
(34-03367-L)

ORS 471.360 (1)(b) - Licensees permitted employee, James Challinor, to sell, mix, or serve alcohol without a valid service permit (from about October 13, 2003 to about April 6, 2006).

(First, Category III)

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

AGGRAVATION
1. James Challinor worked for about two and one-half years without a valid service permit.
2. Licensees received prior warning regarding service permits.

13. Dennis Barrett
CENTRAL PASTIME (FCOM)
211 N Broadway
Burns OR 97720
(13-05499-FCOM)

OAR 845-006-0345 (1) - Licensee Dennis Barrett and Service Permittee Susan Bonner drank alcoholic beverages while on duty (April 21, 2006).

(Second, Category III)

**36-DAY SUSPENSION - OR -
\$4,950 CIVIL PENALTY - AND - 6-DAY SUSPENSION**

AGGRAVATION
1. Two persons committed this violation.
2. Licensee personally committed this violation
3. Licensee received prior warning regarding drinking on duty.

14. **SUSAN M. BONNER**
Service Permit #197319

Employed at: **CENTRAL PASTIME (FCOM)**
211 N. Broadway
Burns OR 97720
(13-05499-FCOM)

OAR 845-006-0345 (1) - Service Permittee Susan Bonner drank alcoholic beverages while on duty (April 21, 2006).

(First, Category III)

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

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

15. Raintree, Inc.
Melvin Brown, Chief Executive Officer
CHEERS II/BERLIN BEAR (FCOM)
1889 Willamette Falls Drive
West Linn OR 97068
(03-24974-FCOM)

Violation Number One

OAR 845-006-0347 (3)(a) - Licensee permitted unlawful activity on the licensed premises when Licensee's employee, Jennifer Wakefield, delivered marijuana for consideration on the licensed premises, a violation of ORS 475.992 (March 29, 2005).

(First, Category III)

Violation Number Two

OAR 845-006-0347 (3)(a) - Licensee permitted unlawful activity on the licensed premises when Licensee's employee, Jennifer Wakefield, witnessed a delivery of marijuana for consideration on the licensed premises, a violation of ORS 475.992 (April 7, 2005).

(Second, Category III)

Violation Number Three

OAR 845-006-0347 (3)(a) - Licensee permitted unlawful activity on the licensed premises when Licensee's employee, Jennifer Wakefield, delivered marijuana for consideration on the licensed premises, a violation of ORS 475.992 (April 7, 2005).

(Third, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated January 23, 2006. The proposed sanction was a 70-day suspension **or** a \$6,600 civil penalty and a 30-day mandatory suspension. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated January 23, 2006. These were Licensee's first, second and third Category III violations within two years.
2. Staff originally proposed a sanction of a 70-day license suspension or civil penalty of \$6,600.00 in lieu of 40 days with the remaining 30 days of the suspension mandatory.

3. Staff will charge both Violation Numbers Two and Three at the second level of Category III. Any subsequent violation of this type within the same two-year period will be charged at the third level in Category III.
4. The Commission will reduce the sanction for the violations by a total of 21 days. This is equivalent to a 30% reduction of the standard sanctions.
5. Licensee withdraws the request for a hearing in this matter.
6. Licensee will pay a civil penalty of \$8,085.00 by 5:00 PM on July 27, 2006 **or** serve a 49-day suspension beginning at 7:00 AM on August 1, 2006 and ending at 7:00 AM on September 19, 2006.
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 July 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

16. Lushious LLC
Andrew L. Sugar, Managing Member
LUSH RESTAURANT LOUNGE (FCOM)
610 NW Couch
Portland OR 97209
(26-35953-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee, Casey Neely, to sell, mix, or serve alcoholic beverages, or manage those who do, without a valid service permit (from about December 21, 2004 to about January 6, 2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated March 21, 2006. The proposed sanction, considering aggravation, was a 32-day license suspension **or** a \$4,950 civil penalty and a 2-day mandatory suspension. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

AGGRAVATION

Casey Neely worked for approximately one year without a valid service permit.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Suspension/Civil Penalty. 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.
2. Regulatory staff originally proposed the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty and added two days for aggravation because the employee worked for approximately one year without a valid service permit, for a total of a 32-day suspension or a \$4,950.00 civil penalty in lieu of 30 days with the remaining two days of the suspension mandatory.
3. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$3,795.00 civil penalty before 5:00 PM on July 27, 2006 **or** serve a 23-day suspension beginning at 7:00 AM on August 1, 2006 and ending at 7:00 AM on August 24, 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 July 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

17. Magic Garden Restaurant & Lounge, Inc.
Carmelita Swearingen, President
Everett Moore, Vice President/Stockholder
**MAGIC GARDEN RESTAURANT &
LOUNGE (FCOM)**
217 NW 4th Avenue
Portland OR 97209
(26-00128-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee, Hallie Treece,
failed to verify the age of a Portland
Police Bureau minor decoy before
allowing the decoy to buy or be served
alcohol when he reasonably appeared to
be under 26 years of age (March 28,
2006).

(Second, Category III)

Violation Number Two
ORS 471.360 (1)(b) - Licensee permitted
employee, Hallie Treece, to sell, mix or
serve alcoholic beverages without a valid
service permit (from about May 30, 2005
to about March 28, 2006).

(Third, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by
Notice dated May 5, 2006. The proposed
sanction, considering mitigation and aggravation,
was a 62-day suspension **or** a \$9,900 civil penalty
and a 2-day mandatory suspension. Licensee
requests to enter into this Settlement Agreement.

MITIGATION

Violations Number One and Two were each charged at
the second level because they were discovered
concurrently.

AGGRAVATION

Hallie Treece worked for about 10 months without a valid
service permit.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. Violations Number One and Two were Licensee's second and third Category III violations within two years. Any subsequent violations of this type within the same two-year period will be charged at the third level.
2. The Commission's Public Safety Program originally proposed for each of Violation Number One and Violation Number Two the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty and added two days of aggravation because Hallie Treece worked for about 10 months without a valid service permit, for a total sanction of a 62-day suspension or a \$9,900.00 civil penalty in lieu of 60 days with the remaining two days of the suspension mandatory.
3. The Commission will reduce the standard sanction by 18 days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$7,260.00 civil penalty before 5:00 PM on July 27, 2006 **or** serve a 44-day suspension beginning at 7:00 AM on August 1, 2006 and ending at 7:00 AM on September 14, 2006.

MAGIC GARDEN RESTAURANT & LOUNGE continued

5. 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 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

18. Katie K. Le
T & K GROCERY & DELI (O)
332 SW 3rd Avenue
Portland OR 97204
(26-37446-O)

ORS 471.405 (1) - Licensee offered for sale bottles of wine that were not in corked containers, which is a violation of the license restriction which states, "No sale of Wine that is not in corked containers" (from January 2005 until October 2005).

(First, Category I)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated February 10, 2006. 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. Licensee received prior warning about violating this restriction.
2. Licensee sold bottles of wine that were not in corked containers in violation of the license restriction for ten months.
3. Licensee made an effort to conceal the violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Cancellation dated February 10, 2006. This was Licensee's first Category I violation within two years.
2. Staff originally proposed to cancel the license for the charged violation.
3. The Commission will reduce the sanction for the violation from cancellation to a 21-day suspension.
4. Licensee will serve a 21-day suspension beginning at 7:00 AM on August 1, 2006 and ending at 7:00 AM on August 22, 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 July 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

19. TBW, Inc.
Hai Duc Nguyen, President/Stockholder
MISOHAPI (L)
1123 NW 23rd
Portland OR 97210
(26-25566-L)

ORS 471.360 (1)(b) - Licensee permitted employees, Joseph Mai and Luan Pham, to sell, mix, or serve alcoholic beverages, or manage those who do, without valid service permits (varying dates from about April 2001 to about April 21, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated June 7, 2006. The proposed sanction, considering aggravation, was a \$2,640 civil penalty or a 16-day suspension. Licensee requests to enter into this Settlement Agreement.

AGGRAVATION

1. This violation involved two employees without service permits.
2. Joseph Mai worked without a valid service permit for about five years.
3. Luan Pham worked without a valid service permit for about two and one half years.

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. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added six days for aggravation because this violation involved two employees without service permits. Joseph Mai worked without a valid service permit for about five years, and Luan Pham worked without a valid service permit for about two and one half years, for a total of a 16-day suspension or a \$2,640.00 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 \$2,145.00 civil penalty before 5:00 PM on July 27, 2006 or serve a 13-day suspension beginning at 7:00 AM on August 1, 2006 and ending at 7:00 AM on August 14, 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 July 2006 Commission meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.