

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

September 18, 2006

## LICENSEE/PERMITTEE

## VIOLATION

## SANCTION & COMMENTS

- |  |   |  |
|--|---|--|
| <p>1. Erin Lee<br/>Thomas L. Lee<br/><b>NITE FOOD MART (O)</b><br/>300 N Santiam Highway<br/>Lebanon OR 97355<br/>(02-38248-O)</p>   | <p>OAR 845-006-0335 (1)(a)(b)(c) -<br/>Licensee Erin Lee failed to verify the age<br/>of an OLCC minor decoy before allowing<br/>the decoy to purchase alcohol when she<br/>reasonably appeared to be under 26<br/>years of age (May 25, 2006).</p> <p>(First, Category III)</p>                        | <p><b>LETTER OF REPRIMAND</b></p> <p>Note: Licensees were charged with this violation by<br/>Notice dated July 7, 2006. The proposed<br/>sanction, considering aggravation, was a \$1,980<br/>civil penalty or a 12-day license suspension.<br/>Because Licensees' interest in the license has<br/>since expired (did not renew), Staff recommends<br/>the Commission issue Licensees a Letter of<br/>Reprimand.</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee Erin Lee participated in the violation.</p> |
| <p>2. Ixtapa-West Linn, Inc.<br/>Ramon Velasco, Pres/Stockholder<br/>Gregorio Barajas, VP/Stockholder<br/>Rigoberto Robles, Sec/Stockholder<br/><b>IXTAPA WEST LINN (FCOM)</b><br/>2028 SW 8th Street<br/>West Linn OR 97068<br/>(03-22766-FCOM)</p> | <p>ORS 471.360 (1)(b) – Licensee's<br/>employees, Jovita Robles and Carlos<br/>Montelongo, sold, mixed, or served<br/>alcohol, or managed those who do,<br/>without valid service permits (varying<br/>lengths of time from about May 2003 to<br/>about May 14, 2006).</p> <p>(First, Category III)</p> | <p><b>\$2,640 CIVIL PENALTY - OR - 16-DAY SUSPENSION</b></p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <ol style="list-style-type: none"> <li>1. This violation involved two employees without service permits.</li> <li>2. Jovita Robles worked for about 15 months without a valid service permit.</li> <li>3. Carlos Montelongo worked for about three years without a valid service permit.</li> </ol>   |

3. Sharon M. Spitze  
**CROWNING TOUCH GIFTS & BASKETS (O)**  
14811 Kruse Oaks Drive  
Lake Oswego OR 97035  
(03-39848-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Sharon Spitze 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 (May 27, 2006).

(First, Category III)

#### **LETTER OF REPRIMAND**

Note: Licensee was charged with this violation by  
Notice dated July 14, 2006. The proposed  
sanction, considering aggravation, was a \$1,980  
civil penalty or a 12-day license suspension.  
Because Licensee's interest in the license has  
since expired (surrendered license), Staff  
recommends the Commission issue Licensee a  
Letter of Reprimand.

#### AGGRAVATION

Licensee Sharon Spitze personally committed the  
violation.

4. Rohitesh Singh  
Kavita Chand  
**CULP'S CORNER MARKET (O)**  
198 Highway 99N  
Eugene OR 97402  
(20-22838-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Rohitesh Singh 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 (May 4, 2006).

(First, Category III)

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

#### AGGRAVATION

Licensee Rohitesh Singh personally committed this  
violation.

#### MITIGATION

Licensees have purchased and will use age verification  
equipment in accordance with OAR 845-009-0140.

5. Gemini Pubs, Inc.  
Sean Casey, President/Stockholder  
Frances Casey, Secretary  
**GEMINI BAR & GRILL (FCOM)**  
456 N State Street  
Lake Oswego OR 97034  
(03-02623-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employee, Kim Smith, 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 (May 19, 2006).

(First, Category IIIa)

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

#### AGGRAVATION

Licensee received prior warning on May 5, 2006 regarding  
unlawful sales to minors.

6. Original Bavarian Sausage Company, Inc.  
Michael W. Neumann, Pres/Stockholder  
**ORIGINAL BAVARIAN SAUSAGE  
COMPANY (L)**  
8705 SW Locust Street  
Tigard OR 97223  
(34-35238-L)

ORS 471.360 (1)(b) - Licensee permitted employee, Steffen Neumann, to sell, mix, or serve alcohol, or manage those who do, without a valid service permit (from about October 2005 to about June 6, 2006).

(First, Category III)

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

AGGRAVATION

Steffen Neumann worked for at least eight months without a valid service permit.

7. Mediterranean Market, Inc.  
Robab Asvadi, President/Director  
Mansour Talghini, Vice President/Director  
**MEDITERRANEAN MARKET (O)**  
11830 Kerr Parkway  
Lake Oswego OR 97035  
(03-39597-O)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Mansour Talghini 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 (June 30, 2006).

(First, Category III)

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

AGGRAVATION

1. Corporate Principal Mansour Talghini personally committed the violation.
2. Corporate Principal Mansour Talghini made efforts to conceal the violation.

8. OSF International, Inc.  
Chris E. Dussin, President/Director  
Sally F. Dussin, Vice President/Director  
James J. Damis, Secretary/Director  
Dussin Family Holdings, LLC, Stockholder  
**THE OLD SPAGHETTI FACTORY (FCOM)**  
0715 SW Bancroft  
Portland OR 97201  
(26-03868-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee, Matthew Gable, to sell, mix or serve alcohol, or manage those who do, without a valid service permit (between approximately April 20, 2004 and May 11, 2006).

(First, Category III)

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

(Licensee paid the \$1,980 civil penalty on August 4, 2006.)

AGGRAVATION

Matthew Gable mixed, sold or served alcohol, or managed those who do, without a valid service permit for at least two years.

9. Douglas E. Bennett  
**7-ELEVEN STORE #2353-29539B (O)**  
6897 SE Thiessen  
Milwaukie OR 97222  
(03-18376-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee, Lonnie Acheson, failed to verify the age of a Clackamas County Sheriff's Office minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (May 13, 2006).

(First, Category IIIa)

**LETTER OF REPRIMAND**

Note: Licensee was charged with this violation by Notice dated July 21, 2006. Because Licensee's interest in the license has expired (change of ownership), Staff recommends the Commission issue the Licensee a Letter of Reprimand.

10. Natalia Sloboda  
Nikolai Sloboda  
**RUSSIAN CUISINE (L)**  
6439 SE Foster Road  
Portland OR 97206  
(26-38692-L)

OAR 845-006-0475 (2)(a) - Licensees knowingly allowed Solijon Nasimov, Nikolay Antonov and Yusufjon Nasimov to obtain an interest in the licensed business without prior Commission approval (from about August 2005 to about April 2006).

(First, Category I)

**LETTER OF REPRIMAND**

Note: Licensees were charged with this violation by Notice dated July 21, 2006. Because Licensees' interest in the license has expired (did not renew), Staff recommends the Commission issue the Licensee a Letter of Reprimand.

11. Jung Suk Chang  
**KEARN'S MARKET (O)**  
18505 Webster Road  
Gladstone OR 97027  
(03-09513-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Jung Suk Chang failed to verify the age of a Clackamas County Sheriff's Office minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (May 12, 2006).

(First, Category IIIa)

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

AGGRAVATION

Licensee Jung Suk Chang personally committed the violation.

12. Xeng Xiong  
**SNACK SHOP (O)**  
677 NW Wade  
Estacada OR 97023  
(03-02586-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Xeng Xiong failed to verify the age of a Clackamas County Sheriff's Office minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (May 12, 2006).

(First, Category III)

**LETTER OF REPRIMAND**

Note: Licensee was charged with this violation by Notice dated July 26, 2006. Because Licensee's interest in the license has expired (change of ownership), Staff recommends the Commission issue the Licensee a Letter of Reprimand.

AGGRAVATION

Licensee Xeng Xiong participated in the violation.

MITIGATION

Licensee had a lengthy record of compliance with the Commission.

13. Robert A. Estep  
Karen K. Estep  
**BRIGHTWOOD COUNTRY STORE (O)**  
63029 E Brightwood Bridge Road  
Brightwood OR 97011  
(03-02569-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensees' employee, Ryan Proctor,  
failed to verify the age of a Clackamas  
County Sheriff's Office minor decoy  
before allowing the decoy to purchase  
alcohol when she reasonably appeared to  
be under 26 years of age (May 12, 2006).

(First, Category III)

**LETTER OF REPRIMAND**

Note: Licensees were charged with this violation by  
Notice dated July 26, 2006. Because Licensees'  
interest in the license has expired (change of  
ownership), Staff recommends the Commission  
issue the Licensee a Letter of Reprimand.

14. Hog Heaven Restaurants, LLC  
Warren Webb, Managing Member  
**BLIND ONION PIZZA & PUB (L)**  
415 SW Montgomery  
Portland OR 97217  
(26-40221-L)

OAR 845-006-0335 (3)(a) - Licensee's  
employee, Sammy Adams, permitted  
three minors to drink alcohol on the  
licensed premises (April 14, 2006).

(First, Category III)

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

AGGRAVATION

Three minors were involved in the violation.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

15. Key Largo Associates, Inc.  
David Elliott, President/Secretary/Director  
Key Largo Acquisitions Group, LLC, Stkhldr  
**OHM** (FCOM)  
31 NW 1st Avenue  
Portland OR 97209  
(26-00069-FCOM)

### Violation Number One

ORS 471.360 (1)(b) - Licensee permitted employee Warren White to sell, mix, or serve alcohol without a valid service permit (from about March 2004 to about September 14, 2005).

(Third, Category III)

### 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 (September 14, 2005).

(Fourth, Category III)

### Violation Number Three

OAR 845-006-0345 (5) - Licensee permitted persons to take open containers of alcohol from the licensed premises (September 14, 2005).

(First, Category V)

## SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated December 21, 2005. The proposed sanction, considering mitigation and aggravation, was a 71-day license suspension **or** a \$10,725 civil penalty and a 6-day mandatory suspension. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

### MITIGATION

Licensee's previous two Category III violations were charged at the first level because they were discovered concurrently. Violations Number One and Two will both be charged at the second level because they were discovered concurrently.

### AGGRAVATION

#### Violation Number One

1. Licensee received a prior warning regarding an employee without a service permit.
2. Employee Warren White worked for approximately 18 months without a valid service permit.

#### Violation Number Two

Licensee received a prior warning regarding food service requirements.

#### Violation Number Three

This violation involved more than one patron.

## 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 third and fourth Category III violations within two years. Because they were each charged at the second level, any subsequent violation of this type

within the same two-year period will be charged at the third level. Violation Number Three was charged at the first level. 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 for Violation Number One the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty and added four days for aggravation because Licensee received prior warning regarding an employee without a service permit and because Warren White worked for approximately 18 months without a valid service permit, for a total sanction of a 34-day suspension or a \$4,950.00 civil penalty in lieu of 30 days of the suspension with the remaining four days of the suspension mandatory.
3. The Public Safety Program originally proposed for Violation Number Two the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty and added two days for aggravation because Licensee received prior warning regarding food service violations, for a total sanction of a 32-day suspension or a \$4,950.00 civil penalty in lieu of 30 days of the suspension with the remaining two days of the suspension mandatory.
4. The Public Safety Program originally proposed for Violation Number Three the standard sanction of a three-day suspension or a \$495.00 civil penalty and added two days for aggravation because the violation involved more than one patron, for a total sanction of a five-day suspension or an \$825.00 civil penalty.
5. The Commission will withdraw two days of aggravation for Violation Number Two and will reduce the remaining sanction by 19 days. This is equivalent to a 30% reduction of the standard sanction.
6. Licensee will pay an \$8,250.00 civil penalty before 5:00 PM on September 28, 2006 or serve a 50-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on November 17, 2006.
7. Licensee withdraws the request for a hearing.
8. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

16. Bendistillery, Inc.  
James Bendis, President  
Alan Dietrich, Vice President  
**BENDISTILLERY SAMPLING ROOM**  
(FCOM)  
850 NW Brooks St.  
Bend OR 97701  
(09-37322-FCOM)

Violation Number One  
OAR 845-006-0460 (2)(a) - Licensee failed to make available an offering of five distinctly different regular meals during the dinner meal period (September 7, 2005).

(Second, Category III)

Violation Number Two  
OAR 845-006-0466 (1) - Licensee failed to have a food preparation area and equipment adequate to prepare, cook and serve food to meet the food service requirements of the Commission (September 7, 2005).

(Third, Category III)

Violation Number Three  
OAR 845-006-0460 (5) - Licensee failed to have at least two employees on duty during regular meal periods, one of which is primarily a cook (September 7, 2005).

(Fourth, Category III)

Violation Number Four  
OAR 845-006-0480 (3) - Licensee failed to notify the Commission in writing before substantially reducing food service last approved by the Commission (September 7, 2005).

(First, Category V)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated December 7, 2005. The proposed sanction, considering mitigation, was a \$15,345 civil penalty **or** a 93-day suspension. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

### MITIGATION

Violations Number One, Two and Three will be charged at the second level of Category III because they were discovered concurrently.

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for Violation Numbers One and Four as set out in the Notice. Violation Number One was Licensee's second Category III violation. Any subsequent violation of this type within the same two-year period will be charged at the third level. Violation Number Four was Licensee's first Category V violation. Any subsequent violation of this type within the same two-year period will be charged at the second level.
2. The Commission's Public Safety Program originally proposed a sanction of a 30-day suspension or a civil penalty of \$4,950.00 for Violation Number One and proposed a three-day suspension or \$495.00 civil penalty for Violation Number Four.
3. Commission staff will withdraw the charges for Violation Numbers Two and Three as set forth in the Notice. Licensee will accept a Notice of Warning for these incidents.
4. The Commission will reduce the sanction for Violation Numbers One and Four by ten days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a civil penalty of \$3,795.00 by 5:00 PM on September 28, 2006, **or** serve a 23-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on October 26, 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 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

17. Yuan Lu  
Gonghui Zheng  
**HELLO MARKET (O)**  
1917 19th Avenue  
Forest Grove OR 97116  
(34-26015-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Gonghui Zheng 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 (May 26, 2006).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by  
Notice dated July 5, 2006. The proposed  
sanction, considering aggravation, was a \$1,980  
civil penalty or a 12-day suspension. Licensees  
requested a hearing and now withdraw that  
request to enter into this Settlement Agreement.

### AGGRAVATION

Licensee Gonghui Zheng participated in the violation.

### TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated July 5, 2006. This was Licensees' 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. The Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension and added two days for aggravation for a total of a 12-day suspension or civil penalty of \$1,980.00.
3. Licensees have installed 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. This is in lieu of the standard sanction of a 10-day suspension or a civil penalty of \$1,650.00. Licensees will run all alcohol sales through the register at which the age verification equipment is installed.
4. Licensees withdraw the request for a hearing in this matter.
5. Licensees will pay a civil penalty of \$330.00 by 5:00 PM on September 28, 2006 **or** serve a two-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on October 5, 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

18. Timber Lodge, LLC  
Leo A. Frare, Managing Member  
Donis M. Frare, Member  
**TIMBER INN** (FCOM)  
1001 Bayshore Drive  
Coos Bay OR 97420  
(06-03527-FCOM)

ORS 471.410 (1) - Licensee's employee,  
Chrystal McLain, knowingly sold, served  
or otherwise made alcohol available to a  
visibly intoxicated person (June 10,  
2006).

(Second, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated July 26, 2006. The proposed  
sanction was a \$4,950 civil penalty or a 30-day  
suspension. Licensee 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/Civil Penalty dated July 26, 2006. 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. The Public Safety Program 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. Licensee will pay a civil penalty of \$3,465.00 by 5:00 PM on September 28, 2006 **or** serve a 21-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on October 24, 2006.
5. Licensee withdraws the request for 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 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 September 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. Mona Lisa's Cafe & Catering, Inc.  
Holly Gadomski, President  
**MONA LISA'S CAFE & CATERING**  
(FCOM)  
136 High Street SE  
Salem OR 97301  
(24-39474-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -  
Corporate Principal Holly Gadomski failed  
to verify the age of a Salem Police  
Department minor decoy before allowing  
the decoy to purchase alcohol when she  
reasonably appeared to be under 26  
years of age (June 14, 2006).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated August 3, 2006. The proposed  
sanction, considering aggravation, was a \$1,980  
civil penalty or a 12-day suspension. Licensee  
requested a hearing and now wishes to withdraw  
that request to enter into this Settlement  
Agreement.

### AGGRAVATION

Corporate Principal Holly Gadomski personally committed  
the violation.

### 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 violations of this type within the same two year period will be charged at the second level in Category III.
2. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because Corporate Principal Holly Gadomski personally committed this violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. Licensee will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), by September 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 10-day suspension or \$1,650.00 civil penalty. Licensee will run all alcohol sales through the register at which the age verification equipment is installed. [Licensee's equipment was purchased on August 18, 2006.]
4. Licensee will pay a \$330.00 civil penalty before 5:00 PM on September 28, 2006 **or** serve a 2-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on October 5, 2006. [Licensee paid the \$330.00 civil penalty on August 14, 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 September 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

20. **AMPARO E. ALCAZAR**  
Service Permit #220533

Employer: **EL TAPATIO RESTAURANT**  
2105 Columbia Blvd.  
St. Helens OR 97051  
(05-24421-FCOM)

ORS 471.425 (1) - Amparo E. Alcazar made a false representation or statement to the Commission in order to induce or prevent action by the Commission when she endorsed a service permit application, indicating she had verified the applicant's age and identity, when she knew that the applicant, Amador V. Alcazar, had filled out the application using a false identity (June 22, 2002).

### SETTLEMENT AGREEMENT

Note: Permittee was charged with this violation by Notice dated January 20, 2006. The proposed sanction, considering aggravation, was Service Permit Revocation. Permittee requested a hearing and now withdraws her request to enter into this Settlement Agreement.

### AGGRAVATION

The violation was intentional.

### TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the Notice of Proposed Service Permit Revocation dated January 20, 2006. This was Permittee's first Category II 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 Commission's Public Safety Program originally proposed a sanction of revocation. The Commission will reduce the sanction to a 30-day suspension. Permittee may pay a \$500.00 civil penalty in lieu of 20 days of the suspension, with the remaining 10 days mandatory.
3. Permittee may pay a civil penalty of \$500.00 by 5:00 PM on September 28, 2006 and serve a 10-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on October 13, 2006 **or** serve a 30-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on November 2, 2006.
4. Permittee withdraws the request for a hearing.
5. If Permittee's interest in the 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 and may be considered in any future application for a service permit by the Permittee.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

21. Paola's Pizza Barn, Inc.  
Joycelyn D. Paola, Secretary  
**PAOLA'S PASTA & PIZZA** (FCOM)  
38015 Highway 26  
Sandy OR 97055  
(03-02679-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Georgia Wescott to sell, mix, or serve alcohol without a valid service permit (between approximately June 14, 2004 and December 28, 2005).

(Third, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated March 20, 2006. The proposed sanction, considering aggravation, was a 32-day license suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement.

### AGGRAVATION

Georgia Wescott sold, mixed, or served alcohol without a valid service permit for at least one year.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension. This was Licensee's third Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the fourth level in Category III.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 30-day suspension and added two days for aggravation for a total of a 32-day suspension.
3. The Commission will reduce the sanction for the violation by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will serve a 23-day suspension beginning at 7:00 AM on October 2, 2006 and ending at 7:00 AM on October 25, 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 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 September 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

22. Heayoung M. Cho  
**SINDEE'S MARKET (O)**  
3039 SE Stark St.  
Portland OR 97214  
(26-05125-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Heayoung M. Cho failed to  
verify the age of a Multnomah County  
minor decoy before allowing the decoy to  
purchase alcohol when she reasonably  
appeared to be under 26 years of age  
(July 12, 2006).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated August 22, 2006. The proposed  
sanction, considering aggravation, was a \$1,980  
civil penalty or a 12-day suspension. Licensee  
requested a hearing and now withdraws that  
request to enter into this Settlement Agreement.

### AGGRAVATION

Licensee Heayoung M. Cho personally committed the  
violation.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated August 22, 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.
2. The Public Safety Program staff originally proposed the standard sanction of a 10-day suspension or civil penalty of \$1,650.00 and added two days of aggravation because Licensee Cho personally committed this violation, for a total of a 12-day suspension or civil penalty of \$1,980.00.
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 \$1,485.00 by 5:00 PM on September 28, 2006 **or** serve a nine-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on October 12, 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 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 September 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

23. L. Rice, Inc.  
Laurence Rice, Sr., President/Stockholder  
**MIDWAY TAVERN** (FCOM)  
1750 N First Avenue  
Hermiston OR 97838  
(30-05995-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 dates from about January 5, 2005 to about May 19, 2006).

(Second, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated July 21, 2006. The proposed sanction, considering aggravation, was a 38-day suspension or a \$4,950 civil penalty and an eight day mandatory suspension. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

### AGGRAVATION

1. This violation involved three employees without service permits.
2. One employee worked for about 16 months without a valid service permit.
3. Corporate Principal Laurence Rice, Sr., personally participated in the violation.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated July 21, 2006. This was the 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. The Commission's Public Safety Program originally proposed the standard sanction of a 30-day suspension or civil penalty of \$4,950.00 and added eight days for aggravation for a total of a 38-day license suspension or a civil penalty of \$4,950.00 in lieu of 30 days with the remaining eight days of the suspension mandatory.
3. Commission staff will reduce the penalty by nine days. This is equivalent to a 30% reduction of the standard sanction before aggravation.
4. Licensee will pay a civil penalty of \$4,785.00 by 5:00 PM on September 28, 2006 **or** serve a 29-day suspension beginning at 7:00 AM on October 3, 2006 and ending at 7:00 AM on November 1, 2006.
5. Licensee withdraws the request for a hearing in this matter.

**MIDWAY TAVERN** continued

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 September 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.