

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

October 13, 2006

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Esperanza Nava Gustavo Nava TACOS LA PALOMA (FCOM) 660 NW Eastman Parkway Gresham OR 97030 (26-38514-FCOM)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Gustavo Nava failed to verify the age of a Multnomah County Sheriff's Office minor decoy before allowing the decoy to buy or be served alcohol when she reasonably appeared to be under 26 years of age (July 12, 2006).	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Gustavo Nava was personally involved in the violation.
2. Tri-Tangle, Inc. Teri Pemberton, President/Vice President/ Treasurer Jamie Pemberton, Secretary MORRISON STREET BAR & GRILL (FCOM) 1205 SE Morrison Portland OR 97214 (26-20050-FCOM)	ORS 471.360 (1)(b) - Licensee permitted an employee to mix, sell, or serve alcohol, or manage those who do, without having a valid service permit (between approximately June 10, 2005 and June 30, 2006).	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Licensee's employee mixed, sold, or served alcohol, or managed those who do, without a valid service permit for approximately one year.
3. Marla D. Kapoor WINE ABOUT IT (O) 22240 Salamo Road West Linn OR 97068 (03-35597-O)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Marla Kapoor 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 (July 5, 2006).	\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Marla Kapoor participated in the violation. <u>MITIGATION</u> Licensee has a lengthy record of good compliance.

4. Charles M. Ely
MICK & MOM'S PUB AND EATERY
(FCOM)
255 N 3rd Avenue
Stayton OR 97383
(24-39991-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee 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 (May 25, 2006).

(First, Category III)

LETTER OF REPRIMAND

Note: Licensee was charged with this violation by OLCC
Violation Notice No. 08215. The proposed
sanction, after the fast track deadline, was a
\$1,650 civil penalty or a 10-day suspension.
Licensee requested a hearing and then withdrew
his request when the business was sold. Because
Licensee no longer holds an interest in the liquor
license, staff propose the Commission issue the
Licensee a Letter of Reprimand.

5. Yuzu Japanese Restaurant, Inc.
Yoshiaki Gemma, President/Stockholder
Hiromi Gemma, Secretary/Treasurer
YUZU (FCOM)
4130 SW 117th Avenue #H
Beaverton OR 97005
(34-35982-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Corporate Principal Hiromi Gemma failed
to verify the age of a Beaverton PD minor
decoy before allowing her to buy or be
served alcohol when she reasonably
appeared to be under 26 years of age
(May 12, 2006).

(First, Category III)

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

Note: Licensee was charged with this violation by Notice
dated June 30, 2006. Licensee originally
requested a hearing and now withdraws the
request with the knowledge the original sanction
would be proposed.

AGGRAVATION

Corporate Principal Hiromi Gemma participated in the
violation.

6. **AMADOR V. ALCAZAR aka HECTOR
SANTOS**, Service Permit #168647
265 Trillium Street
St. Helens OR 97051
(05-24221-FCOM)

ORS 471.385 (1)(a) - Amador Alcazar
made a false statement in this application
for a service permit when he filled out the
application using a false identify (June 22,
2002).

(First, Category II)

SERVICE PERMIT REVOCATION

Note: Amador Alcazar was charged with this violation by
Notice dated March 15, 2006. Mr. Alcazar
originally requested a hearing and now withdraws
that request with the knowledge that this Service
Permit, in the name of Hector Santos, would be
revoked.

AGGRAVATION

The violation was intentional.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

7. Wu Yong Yuan
Susan Yeung
LUCKY LOUNGE PIZZA PUB (FCOM)
562 4th Street
Gervais OR 97026
(24-23649-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Susan Yeung failed to verify the
age of a minor before allowing him to buy
or be served alcohol when he reasonably
appeared to be under 26 years of age
(May 26, 2006).

(First, Category III)

Violation Number Two
OAR 845-006-0426 - Licensees failed to
have staff on the licensed premises who
could communicate effectively with
Commission employees during
Licensees' business hours (June 5,
2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with these violations by
Notice dated July 14, 2006. The proposed
sanction, considering aggravation, was a 44-day
license suspension or a \$6,930 civil penalty and a
2-day mandatory suspension. Licensees
requested a hearing and now wish to withdraw
their request to enter into this Settlement
Agreement.

AGGRAVATION

1. Licensee Susan Yeung personally committed
Violation Number One.
2. Licensees had received a prior Notice of Warning for
failure to have staff on the licensed premises who
could communicate effectively with Commission
employees during Licensees' business hours.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. These violations were Licensees' first and second Category III violations. Any subsequent violation of this type within the same two-year period will be charged at the third level.
2. For Violation Number One, staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because Licensee Susan Yeung personally committed the violation.
3. For Violation Number Two, 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 Licensees have received a prior Notice of Warning for failure to have staff on the licensed premises who can communicate effectively with Commission regulatory employees during Licensees' business hours.
4. Licensees will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), 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 10 days of suspension or \$1,650.00 of civil penalty.
5. The Commission will reduce the remaining sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
6. Licensees will pay a \$4,125.00 civil penalty before 5:00 PM on October 23, 2006 **or** serve a 25-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 22, 2006.

LUCKY LOUNGE PIZZA PUB continued

7. Licensees withdraw the request for a hearing.
8. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensees' hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Guitron Alcazar, Inc.
Efren Guitron-Mora, President
Amparo Alcazar, Vice President/Secretary
EL TAPATIO RESTAURANT (FCOM)
117 "A" Street W.
Rainier OR 97048
(05-25642-FCOM)

ORS 471.425 (1) - Licensee's employee, servant, or agent Amador V. Alcazar made false representations or statements to the Commission in order to induce or prevent action by the Commission when he filled out service permit applications using a false social security number (May 2, 2005 and June 20, 2005).

(First, Category II)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated May 3, 2006. The proposed sanction, considering aggravation, was License Cancellation. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. The violation was intentional
2. The violation occurred more than once.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Cancellation dated May 3, 2006. This was Licensee'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 cancellation. The Commission will reduce the sanction to a 30-day suspension or a civil penalty of \$4,950.00.
3. Licensee will pay a civil penalty of \$4,950.00 by 5:00 PM on October 23, 2006 **or** serve a 30-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 27, 2006.
4. Licensee withdraws the request for a hearing.
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 October 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

9. **AMADOR V. ALCAZAR**
Service Permit #234593
265 Trillium Street
St. Helens OR 97051

ORS 471.385 (1)(a) - Amador Alcazar made false statements in two applications for service permits when he filled out the permit applications using a false social security number (May 2, 2005 and June 20, 2005).

(First, Category II)

SETTLEMENT AGREEMENT

Note: Amador Alcazar was charged with this violation by Notice dated May 3, 2006. The proposed sanction, considering aggravation, was service permit revocation. Mr. Alcazar requested a hearing and now wishes to withdraw his request to enter into this Settlement Agreement.

AGGRAVATION

1. The violation was intentional.
2. The violation occurred more than once.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the Notice of Proposed Service Permit Revocation dated May 3, 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 will pay a civil penalty of \$500.00 by 5:00 PM on October 23, 2006 and serve a 10-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 7, 2006 **or** serve a 30-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 27, 2006.
4. Permittee withdraws the request for a hearing.
5. If Permittee's interest in the license 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 October 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

10. Jagtar Singh
Ravinder Kaur
CIRCLE S MARKET & DELI (O)
1082 Monmouth Street
Independence OR 97351
(27-40083-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Jagtar Singh failed to verify the
age of an Independence PD minor decoy
before allowing the decoy to purchase
alcohol when he reasonably appeared to
be under 26 years of age (June 16, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
Notice dated July 31, 2006. The proposed
sanction, considering aggravation, was a \$1,980
civil penalty **or** a 12-day suspension. Licensees
requested a hearing and now wish to withdraw
that request to enter into this Settlement
Agreement.

AGGRAVATION

Licensee Jagtar Singh personally committed the violation.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This was Licensees' 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 of aggravation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. Licensees will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), by October 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. Licensees will run all alcohol sales through the register at which the age verification equipment is installed.
4. Licensees will pay a \$330.00 civil penalty before 5:00 PM on October 23, 2006 **or** serve a 2-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on October 30, 2006.
5. Licensees withdraw the request for a hearing.
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 October 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. Sungman "Simon" Lee
Jungeun Lee
HIGH STREET MINIT MART (O)
223 High Street
Oregon City OR 97045
(03-02663-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Sungman "Simon" Lee 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 26, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by Notice dated July 25, 2006. The proposed sanction, considering aggravation and mitigation, was a \$1,650 civil penalty or a 10-day suspension. Licensees requested a hearing and now wish to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Licensee Sungman "Simon" Lee participated in the violation.

MITIGATION

Licensees have a lengthy record of good 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 July 25, 2006. This was the 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 or a \$1,650.00 civil penalty, 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. 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. The Commission will allow the Licensees to purchase age verification equipment in lieu of the suspension or civil penalty assessed for the violation.
5. Licensees withdraw the request for a hearing in this matter.
6. If Licensees' interest in the license expires before the Commission issues a final order in 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 October 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

12. Yorgo's Bar & Grill, LLC
Minh Truong, Managing Member
Ba Truong, Member
Lieu Truong, Member
YORGO'S BAR & GRILL (FCOM)
5421 N Greeley Ave.
Portland OR 97217
(26-00447-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees, Minh Truong and Kelley Sigler, to sell, mix, or serve alcohol, or manage those who do, without valid service permits (varying lengths of time from about January 2, 2005 to about June 1, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated July 19, 2006. The proposed sanction, considering aggravation, was a \$2,640 civil penalty or a 16-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Two employees were mixing, selling or serving alcohol, or managing those who do, without valid service permits.
2. Both Minh Truong and Kelley Sigler mixed, sold or served alcohol, or managed those who do, without valid service permits 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 or Civil Penalty dated July 19, 2006. This was the 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. The Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or civil penalty of \$1,650.00 and added six days for aggravation for a total of a 16-day license suspension or a civil penalty of \$2,640.00.
3. Commission staff will reduce the penalty by three days. This is equivalent to a 30% reduction of the sanction before aggravation.
4. Licensee will pay a civil penalty of \$2,145.00 by 5:00 PM on October 23, 2006 or serve a 13-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 10, 2006.
5. Licensee withdraws the request for 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 or 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 October 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

13. Huor C. Chear
KING ROAD MARKET (O)
6233 SE King Road
Milwaukie OR 97222
(03-02503-O)

ORS 471.410 (1) - Licensee Huor Chear knowingly sold, served, or otherwise made alcohol available to a visibly intoxicated person (May 13, 2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated July 28, 2006. The proposed sanction, considering aggravation and mitigation, 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

Licensee Huor C. Chear was personally involved in the violation.

MITIGATION

This violation was charged at the first level of Category III because it was discovered concurrently with Licensee's first violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated July 28, 2006. This was Licensee's second Category III violation within two years. The violation was charged at the first level of Category III because it was discovered concurrently with Licensee's first Category III violation. 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 civil penalty of \$1,650.00 and added two days of aggravation, 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 October 23, 2006 **or** serve a nine-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 6, 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 October 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. Sammy Enterprise Inc.
Sean Chung, President/Stockholder
Ai Lan Chung, Secretary/Stockholder
THRIFTY MARKET (O)
105 SW Rainbow Avenue
Dallas OR 97338
(27-03123-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee failed to verify the
age of an Independence PD minor decoy
before allowing the decoy to purchase
alcohol when he reasonably appeared to
be under 26 years of age (June 16, 2006).

(First, Category IIIa)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated August 9, 2006. The proposed
sanction, considering aggravation, was a \$1,485
civil penalty or a 9-day suspension. Licensee
requested a hearing and now wishes to withdraw
that request to enter into this Settlement
Agreement.

AGGRAVATION

Licensee received prior warning from the Commission
regarding the sale of alcohol to minors.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated August 9, 2006. This was the Licensee's first Category III(a) 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(a).
2. The Commission's Public Safety Program originally proposed the standard sanction of a seven-day suspension or \$1,155.00 civil penalty and added two days for aggravation for a total of a nine-day suspension or civil penalty of \$1,485.00.
3. Licensee has 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 seven-day suspension or a civil penalty of \$1,155.00. Licensee will run all alcohol sales through the register at which the age verification equipment is installed.
4. Licensee withdraws the request for hearing in this matter.
5. Licensee will pay a civil penalty of \$330.00 by 5:00 PM on October 23, 2006 **or** serve a two-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on October 30, 2006. [Licensee paid the \$330.00 civil penalty on September 7, 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 October 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

15. Ridgeview Corporation
Anthony Beaudoin, President/Stockholder
THE BIG BANG! (FCOM)
11051 SW Barbur Blvd.
Portland OR 97219
(26-00224-FCOM)

Violation Number One

OAR 845-006-0460 (2) - Licensee failed to make available to patrons an offering of five distinctly different regular meals during its normal dinner meal period of 5:00 pm to 8:00 pm (April 27, 2006).

(Second, Category III)

Violation Number Two

OAR 845-006-0460 (4) - Licensee failed to have proper dining seating at tables for at least 36 patrons during its normal dinner meal period of 5:00 pm to 8:00 pm (from about December 2005 to April 27, 2006).

(Third, Category III)

Violation Number Three

OAR 845-006-0466 (3) - Licensee failed to make food service menus available to patrons when an employee stated that menus were not available (April 27, 2006).

(Fourth, Category III)

Violation Number Four

OAR 845-006-0466 (4) - Licensee discouraged or attempted to discourage patrons from ordering food when a menu was offered that clearly over-priced food (May 11, 2006).

(Fifth, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated July 19, 2006. The proposed sanction, considering mitigation, was a 123-day suspension or a \$15,345 civil penalty and a 30-day mandatory suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

MITIGATION

Violations Number One, Two, and Three were discovered concurrently and therefore charged at the second level. Violation Number Four was then charged at the third level.

THE BIG BANG! continued

Violation Number Five
OAR 845-006-0480 (3)(c) - Licensee substantially reduced the food service last approved by the Commission without prior written notification (from about December 2005 to about April 27, 2006).

(First, Category V)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations One, Two and Three as set out in the Notice of Proposed License Suspension/Civil Penalty. These violations were each charged at the second level of Category Three. Any subsequent violation of this type within the same two-year period will be charged at the third level.
2. Public Safety Program staff originally proposed the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty for each of Violation Numbers One, Two and Three.
3. Commission staff will withdraw the charges for Violation Numbers Four and Five.
4. The Commission will reduce the sanction for Violations Numbers One and Two by 18 days. This is equivalent to a 30% reduction of the standard sanction. The Commission will reduce the sanction for Violation Number Three to a Letter of Reprimand.
5. Licensee will pay a civil penalty of \$6,930.00 before 5:00 PM on October 23, 2006 **or** serve a 42-day suspension beginning at 7:00 AM on October 28, 2006 and ending on December 9, 2006.
6. Licensee withdraws the request for a hearing.
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 October 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. O'Connor's Restaurant, Inc.
Stephen Patrick Arel, President
O'CONNOR'S WEST (FCOM)
7850 SW Capitol Highway
Portland OR 97219
(26-03867-FCOM)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee failed to verify the age of a Portland PD minor decoy before allowing the decoy to buy or be served alcohol when she reasonably appeared to be under 26 years of age (July 12, 2006).

(First, Category III)

Violation Number Two

ORS 471.360 (1)(b) - Licensee permitted employees Christine Hetherington and Stephen Patrick Arel to sell, mix, or serve alcohol, or manage those who do, without valid service permits issued by the Commission (varying dates from about July 14, 2003 to about July 27, 2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated August 23, 2006. The proposed sanction, following aggravation and mitigation, was a \$3,960 civil penalty or a 24-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Employees Christine Hetherington and Stephen Patrick Arel did not have service permits for about 21 months and about three years respectively.
2. Corporate Principal Stephen Patrick Arel was personally involved in Violation Number Two.

MITIGATION

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

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. These were Licensee's first and second Category III violations within two years. The violations were each charged at the first level of Category III because they were discovered and charged concurrently. 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 20-day suspension, added six days for aggravation, and subtracted two days for mitigation, for a total of 24-day suspension or civil penalty of \$3,960.00.
3. Licensee will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), by October 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 for Violation Number One. Licensee will run all alcohol sales through the register at which the age verification equipment is installed.

O'CONNOR'S WEST continued

4. The Commission will reduce the sanction for Violation Number Two by three days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a civil penalty of \$1,815.00 by 5:00 PM on October 23, 2006 **or** serve an 11-day suspension beginning at 7:00 AM on October 28, 2006 and ending at 7:00 AM on November 8, 2006.
6. Licensee withdraws the request for a hearing.
7. 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.