

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

November 9, 2006

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION &amp; COMMENTS</u>
<p>1. Shriji, Inc. Sushila Patel, President/Stockholder Ashokkumar "Ashok" Patel, Vice President/ Secretary/Treasurer/Stockholder <b>SHRIJI MARKET (O)</b> 891 SE First Avenue Canby OR 97013 (03-26008-O)</p>	<p>OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Ashokkumar "Ashok" Patel 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 7, 2006).  (First, Category III)</p>	<p><b>\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION</b></p> <p style="text-align: center;"><u>AGGRAVATION</u> Corporate Principal Ashokkumar "Ashok" Patel participated in the violation.</p> <p style="text-align: center;"><u>MITIGATION</u> Licensee has a lengthy history of compliance with the Commission.</p>
<p>2. Emily A. Glogowski Michael A. Glogowski <b>SOUTH 6TH CHEVRON (O)</b> 3434 S 6th Street Klamath Falls OR 97603 (18-27286-O)</p>	<p>OAR 845-006-0335 (1)(a)(b)(c) - Licensees' employee, Diana Eubank, 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 (July 10, 2006).  (Third, Category III)</p>	<p><b><del>30-DAY SUSPENSION</del> LETTER OF REPRIMAND</b></p> <p>Note: Because Licensee's interest in the license has expired (sold business), staff now recommend the Commission issue Licensees a Letter of Reprimand.</p>
<p>3. Moon Enterprises, Inc. Moon Choi, President Young O. Choi, Secretary/Treasurer <b>SZECHUAN RESTAURANT (FCOM)</b> 8343 SW Barbur Boulevard Portland OR 97219</p>	<p>OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Young O. Choi 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</p>	<p><b>\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION</b></p> <p style="text-align: center;"><u>AGGRAVATION</u> Corporate Principal Young O. Choi personally committed the violation.</p>

(26-03866-FCOM)

years of age (July 12, 2006).

(First, Category III)

MITIGATION

Licensee has a lengthy history of compliance with the Commission.

- 4. 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 Alicia Dahlen to sell, mix, or serve alcohol, or manage those who do, without a valid service permit (from about March 2006 to about July 8, 2006).

(Third, Category III)

**LETTER OF REPRIMAND**

Note: Licensee was charged with this violation by Notice dated September 13, 2006. The proposed sanction was a 30-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.

- 5. Il Hwan Lee  
Dong Soon Lee  
**DAVID OK MARKET (O)**  
1178 Highway 99W  
Dundee OR 97115  
(36-35192-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Dong Soon Lee 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 (August 9, 2006).

(First, Category III)

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

AGGRAVATION

Licensee Dong Soon Lee participated in the violation.

- 6. MPM Restaurants, LLC  
Liem K. Mai, Managing Member  
Timmy A. Pearce, Member  
**CITY SPORTS BAR & RESTAURANT (FCOM)**  
424 SW 4th Avenue  
Portland OR 97204  
(26-38912-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Courtney Fernandez to sell, mix, or serve alcohol, or manage those who do, without a valid service permit (from about February 2006 to about August 2, 2006).

(First, Category III)

**\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION**

- 7. Heather A. Field  
**STOWE'S SPORTSMAN TAVERN (L)**  
265 S 8th Street  
Lakeside OR 97449  
(06-04157-L)

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

(First, Category IV)

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

AGGRAVATION

This violation involved two minors.

8. **CYNTHIA PEERS**  
Service Permit #247478

Employed at: **STOWE'S SPORTSMAN  
TAVERN (L)**  
265 S 8th Street  
Lakeside OR 97449

OAR 845-006-0335 (3)(b) - Service Permittee Cynthia Peers permitted two minors to be on the licensed premises or an area of the licensed premises prohibited to minors (June 4, 2006).

(First, Category IV)

**\$225 CIVIL PENALTY - OR - 9-DAY SUSPENSION**

AGGRAVATION

This violation involved two minors.

9. **LINDA A. MURRAY**  
Service Permit #193349

Employed at: **BANDON BOATWORKS  
RESTAURANT (FCOM)**  
275 Lincoln Avenue SW  
Bandon OR 97411

OAR 845-006-0345 (1) - Service Permittee Linda Murray was under the influence of intoxicants while on duty at the licensed premises (July 8, 2006).

(First, Category II)

**32-DAY SUSPENSION**

AGGRAVATION

Permittee Murray made efforts to conceal the violation.

Note: Licensee received a fast track violation ticket for this violation and served an 18-day license suspension.

10. Pod, LLC  
Adam Grant Roberts, Managing Member  
Ann King Roberts, Member  
Darryl Jay Roberts, Member  
**MAIN STREET ALE HOUSE (BP)**  
333 N Main Street  
Gresham OR 97030  
(26-36248-BP)

OAR 845-010-0170 (5) - Licensee failed to send to the Commission monthly reports summarizing the information in OAR 845-010-0170 (2)(3)(4) within the prescribed timeframe (from about June 20, 2006 to about July 20, 2006).

(Second, Category IV)

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

AGGRAVATION

Licensee failed to timely send monthly reports on multiple occasions.

11. Merenda, LLC  
Jett "Jody" Denton, Managing Member  
**MERENDA RESTAURANT & WINE BAR  
(FCOM)**  
900 NW Wall Street  
Bend OR 97701  
(09-36460-FCOM)

OAR 845-006-0345 (5) - Managing Member Jett "Jody" Denton permitted patrons to take open containers of alcoholic beverages from the licensed premises (July 15, 2006).

(First, Category V)

**\$1,155 CIVIL PENALTY - OR - 7-DAY SUSPENSION**

AGGRAVATION

1. Member Jett "Jody" Denton was personally involved in this violation.
2. Multiple patrons were involved in this violation.

12. Young Ahn  
Gen Ha Ahn  
**97 MART** (O)  
776 NE Highway 97  
Madras OR 97741  
(16-37356-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Young Ahn 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 (August 23, 2006).

(First, Category III)

13. Richard Cappotto  
**NOMAD RESTAURANT** (FCOM)  
103 SW Front  
Boardman OR 97818  
(25-06201-FCOM)

Violation Number One  
OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employees Portia Stafford and  
Amanda Frederickson failed to verify the  
age of an OLCC minor decoy before  
allowing the decoy to buy or be served  
alcohol when he reasonably appeared to  
be under 26 years of age (March 25,  
2006).

(First, Category III)

Violation Number Two  
ORS 471.360 (1)(b) - Licensee permitted  
employee Amanda Frederickson to mix,  
sell, or serve alcohol, or manage those  
who do, without a valid service permit  
(from about June 7, 2005 to about March  
25, 2006).

(Second, Category III)

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

#### AGGRAVATION

Licensee Young Ahn participated in the violation.

#### MITIGATION

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

### **LETTER OF REPRIMAND**

Note: Licensee was charged with this violation by  
Notice dated May 17, 2006. The proposed  
sanction, considering aggravation and mitigation,  
was a \$3,960 civil penalty or a 24-day license  
suspension. Licensee requested a hearing and  
has since withdrawn that request. Because  
Licensee's interest in the license has since  
expired (did not renew), Staff recommends the  
Commission issue Licensee a Letter of  
Reprimand.

#### AGGRAVATION

1. Two employees participated in Violation Number One.
2. Amanda Frederickson worked for at least 10 months  
without a valid service permit.

#### MITIGATION

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

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

14. Costa de Jalisco, Inc.  
Roberto Galvan, President/Stockholder  
**EL CAPORAL WEST** (FCOM)  
744 NW Bond Street  
Bend OR 97701  
(09-35566-FCOM)

Violation Number One  
ORS 471.360 (1)(b) - Licensee permitted employees Juan Corona and Eva Kiezik to sell, mix or serve alcohol, or manage those who do, without valid service permits (varying lengths of time from about September 2005 to about May 5, 2006).

(First, Category III)

Violation Number Two  
ORS 471.482 (1) - Licensee's employee Jessica Almanza took an order for, served, or sold alcohol when she was under 18 years of age (May 5, 2006).

(First, Category IV)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated July 21, 2006. The proposed sanction, considering aggravation, was a \$3,465 civil penalty or a 21-day license suspension. Licensee requested a hearing and now withdraws that request to enter into this Settlement Agreement.

### AGGRAVATION

1. Two employees participated in Violation Number One.
2. Employee Eva Kiezik worked without a valid service permit for approximately eight months.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension or Civil Penalty. Violation Number One was Licensee's first Category III violation within two years. Violation Number Two was Licensee's first Category IV violation within two years. Any subsequent violation of these types 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 10-day suspension or a \$1,650.00 and added four days for aggravation because two employees participated in Violation Number One and Eva P. Kiezik worked without a valid service permit for approximately eight months, for a total sanction of a 14-day suspension or a \$2,310.00 civil penalty.
3. The Public Safety Program originally proposed for Violation Number Two the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty.
4. The Commission will reduce the sanction by five days. This is equivalent to a 30% reduction of the standard sanction. The Commission will reduce the sanction an additional two days as mitigation for Licensee's exceptional cooperation involving these violations.
5. Licensee will pay a \$2,310.00 civil penalty before 5:00 PM on November 24, 2006 **or** serve a 14-day suspension beginning at 7:00 AM on November 28, 2006 and ending at 7:00 AM on December 12, 2006. [Licensee paid the \$2,310.00 civil penalty on September 21, 2006.]
6. Licensee withdraws the request for a hearing.

**EL CAPORAL WEST** continued

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 November 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

15. Joe's Shanghai, Inc.  
Ji Chang Zhou, Pres/Sec/Treas/Stkhldr  
Stella Li, Stockholder  
**SHANGHAI GARDEN RESTAURANT &  
LOUNGE (FCOM)**  
1955 NE Division  
Bend OR 97701  
(09-06141-FCOM)

Violation Number One  
OAR 845-006-0345 (1) - Licensee's  
employee or agent, a doorman known  
only as "Robert," drank an alcoholic  
beverage while on duty checking  
identification (July 8, 2006).

(First, Category III)

Violation Number Two  
OAR 845-006-0335 (3)(b) - Licensee's  
employees or agents, Tamera Seaman  
and a doorman known only as "Robert",  
permitted two minors to be on the  
licensed premises or an area of the  
licensed premises prohibited to minors  
(July 8, 2006).

(First, Category IV)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated September 19, 2006. The proposed  
sanction, considering aggravation, was a \$3,795  
civil penalty or a 23-day suspension. Licensee  
requested a hearing and now wishes to withdraw  
that request to enter into this Settlement  
Agreement.

### AGGRAVATION

#### Violation Number Two

1. This violation involved two minors.
2. This violation involved two employees or agents.
3. The doorman known only as "Robert" intentionally  
committed this violation.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension or Civil Penalty. These were Licensee's first Category III and Category IV violations within two years. Any subsequent violation of these types within the same two-year period will be charged at the second level.
2. For Violation Number One, the Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty.
3. For Violation Number Two, the Public Safety Program originally proposed the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty and added six days of aggravation because this violation involved two minors and two employees or agents of Shanghai Garden Restaurant & Lounge and the doorman intentionally committed this violation.
4. The Commission will reduce the sanction by five days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a \$2,970.00 civil penalty before 5:00 PM on November 24, 2006 **or** will serve an 18-day suspension beginning at 7:00 AM on November 28, 2006 and ending at 7:00 AM on December 16, 2006.
6. Licensee withdraws the request for hearing.

**SHANGHAI GARDEN RESTAURANT & LOUNGE** continued

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 November 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. Harold E. Erickson  
**CIDER MILL** (FCOM)  
6712 SW Capitol Highway  
Portland OR 97219  
(26-03803-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Mary Beth Eckhardt to sell, mix, or serve alcoholic beverages, or manage those who do, without a valid service permit issued by the Commission (from about October 2, 2005 to about August 3, 2006).

(First, Category III)

### SETTLEMENT AGREEMENT

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

### AGGRAVATION

Employee Mary Beth Eckhardt did not have a valid service permit for about 10 months.

### MITIGATION

Licensee has a lengthy history of compliance with the Commission.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated August 25, 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, added two days of aggravation because Mary Beth Eckhardt did not have a valid service permit for about 10 months, and reduced the sanction by two days because Licensee has a lengthy history of compliance with the Commission, for a total of a 10-day suspension or civil penalty of \$1,650.00.
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 \$1,155.00 by 5:00 PM on November 24, 2006 **or** serve a seven-day suspension beginning at 7:00 AM on November 28, 2006 and ending at 7:00 AM on December 5, 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 November 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. Guitron-Galvan, Inc.  
Efren Guitron-Mora, President  
Rosalina Galvan Ramos, Secretary  
**EI TAPATIO RESTAURANT** (FCOM)  
2105 Columbia Blvd  
St. Helens OR 97051  
(05-24221-FCOM)

ORS 471.425 (1) - Licensee's employee, servant, or agent Amador V. Alcazar made a false representation or statement to the Commission in order to induce or prevent action by the Commission when he filled out a service permit application using a false identity (June 22, 2002).

Licensee's employee, servant or agent 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 that 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).

(First, Category II)

### SETTLEMENT AGREEMENT

Note: Licensee was first charged with this violation by Notice of Proposed License Cancellation dated January 20, 2006. The Notice was amended on June 21, 2006 to include the Proposed Refusal to Renew License. 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 involved two employees.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Cancellation and Proposed Refusal to Renew License dated June 21, 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 23-day suspension or a \$3,795.00 civil penalty.
3. Licensee will pay a civil penalty of \$3,795.00 by 5:00 PM on November 24, 2006 **or** serve a 23-day suspension beginning at 7:00 AM on November 28, 2006 and ending at 7:00 AM on December 21, 2006.
4. The Commission will renew the license for Guitron-Galvan Inc.
5. Licensee withdraws the request for a hearing.

**EI TAPATIO RESTAURANT** 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 November 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.