

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

December 15, 2006

LICENSEE/PERMITTEE

VIOLATION

SANCTION & COMMENTS

1. Molly L. Ragsdale
THE CHAMEALEON (L)
1825 Main Street
Baker City OR 97814
(01-38219-L)

ORS 471.360 (1)(b) - Licensee permitted employees Tannia Rose and Donna Thibodeau to sell, mix, or serve alcohol, or manage those who do, without valid service permits (from about May 19, 2006 to about August 25, 2006).

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

AGGRAVATION

Two employees were involved in this violation.

(First, Category III)

2. Hall Consulting, LLC
Kara McAllister-Hall, Managing Member
BLISS RESTAURANT & LOUNGE
(FCOM)
9-17 NW 6th Avenue
Portland OR 97209
(26-39816-FCOM)

ORS 471.315 (1)(c) - Licensee has a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises or involving patrons in the immediate vicinity of the premises (nine separate incidents from January 1, 2006 to July 29, 2006).

LICENSE CANCELLATION

(First, Category I)

ORS 471.360 (1)(b) - Licensee permitted employee Ryan Reeves to sell, mix, or serve alcohol, or manage those who do, without a valid service permit (from about May 16, 2006 to about July 16, 2006).

(First, Category III)

3. Scotty's, Inc.
Leo J. Murphy, Pres/Stkhldr
Stephen W. Michaud, Sec/Stkhldr
SCOTTY'S (FCOM/L)
12122 SW Scholls Ferry Road
Tigard OR 97223
(34-08076-FCOM/L)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee Joseph Gearhart
failed to verify the age of a minor before
allowing the minor to buy or be served
alcohol when he reasonably appeared to
be under 26 years of age (July 10, 2006).

(First, Category IIIa)

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

(Licensee paid the \$1,155 civil penalty on November 22,
2006.)

AGGRAVATION

The minor was a juvenile.

MITIGATION

Licensee has a lengthy record of compliance.

4. **JOSEPH F. GEARHART**
Service Permit No. 232665

Employed at: **SCOTTY'S** (FCOM/L)
12122 SW Scholls Ferry Road
Tigard OR 97223
(34-08076-FCOM/L)

OAR 845-006-0335 (1)(a)(b)(c) -
Permittee Gearhart failed to verify the age
of a minor before allowing the minor to
buy or be served alcohol when he
reasonably appeared to be under 26
years of age (July 10, 2006).

(First, Category III)

\$300 CIVIL PENALTY - OR - 12-DAY SUSPENSION

(Permittee paid the \$300 civil penalty on November 22,
2006.)

AGGRAVATION

The minor was a juvenile.

5. Blue Wave Restaurant & Bar LLC
Anna Ngo, Member
April Truong, Member
BLUE WAVE RESTAURANT & BAR
(FCOM)
14033 SE Stark Street
Portland OR 97233
(26-39941-FCOM)

OAR 845-006-0335 (3)(b) - LLC Member
Anna Ngo permitted a minor to be on the
licensed premises or an area of the
licensed premises prohibited to minors
(October 4, 2006).

(First, Category IV)

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

AGGRAVATION

LLC Member Anna Ngo was personally involved in the
violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

6. Mattress Bar, LLC
Morgan Smith, Managing Member
Barry Pilip, Member
SLABTOWN (FCOM)
1033 NW 16th Avenue
Portland OR 97209
(26-00172-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Amanda Maher to sell, mix or serve alcohol, or manage those who do, without a valid service permit (from about March 2, 2006 to about July 25, 2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated August 23, 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

The violation occurred after Licensee had received prior warning regarding Amanda Maher's service permit status.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated August 23, 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 and added two days aggravation because Licensee had received a prior warning regarding Amanda Maher's service permit status, for a total of a 32-day suspension or a civil penalty of \$4,950.00 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 civil penalty of \$3,795.00 by 5:00 PM on December 26, 2006 or serve a 23-day suspension beginning at 7:00 AM on December 30, 2006 and ending at 7:00 AM on January 22, 2007.
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 Licensee's Commission file and may be considered in any future application for a liquor license by Licensee.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 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

7. John D. Rinerson
LaDonna S. Rinerson
LADONNA'S EXOTIC LOUNGE (FCOM)
940 Commercial Street NE
Salem OR 97301
(24-39083-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employees Ricky Van Duyn
and Alfonso Quezada-Bonilla failed to
verify the age of a Salem PD minor decoy
before allowing the decoy to purchase
alcohol when he reasonably appeared to
be under 26 years of age (June 30, 2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
Notice dated July 20, 2006. The proposed
sanction, considering aggravation, was a 32-day
license suspension or a \$4,950 civil penalty and a
2-day mandatory suspension. Licensees
requested a hearing and now withdraw that
request to enter into this Settlement Agreement.

AGGRAVATION

Two employees were involved in the violation.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated July 20, 2006. This was Licensees' second Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the third level.
2. The Public Safety Program staff originally proposed the standard sanction of a 30-day suspension or civil penalty of \$4,950.00 and added two days of aggravation because two employees were involved in the violation, for a total of a 32-day suspension or a civil penalty of \$4,950.00 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. Licensees will pay a civil penalty of \$3,795.00 by 5:00 PM on December 26, 2006 or serve a 23-day suspension beginning at 7:00 AM on December 30, 2006 and ending at 7:00 AM on January 22, 2007.
5. Licensees withdraw the request for a hearing.
6. If Licensees' interest in the license expires before the Commission issues a final order on these allegations, Licensees agree to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of Licensees' Commission file and may be considered in any future application for a liquor license by Licensees.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 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

8. B & L Collins, Inc.
Bobby E. Collins, President/Stockholder
Linda D. Collins, Secretary/Stockholder
Amy Collins, Treasurer/Stockholder
Dale Collins, Stockholder
GATEWAY PUB (FCOM)
39100 Pioneer Blvd
Sandy OR 97055
(03-02678-FCOM)

OAR 845-005-0355 (5) - Corporate
Principal Bobby Collins allowed patrons to enter a fenced area in violation of a restriction on the Temporary Use of an Annual License for an Event at an Unlicensed Location issued to Licensee which stated "Exit only (no entrance) for fenced licensed area" (July 8, 2006).

(First, Category I)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 6, 2006. The proposed sanction, considering mitigation and 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.

MITIGATION

The Temporary Use of an Annual License was effective only from July 6, 2006 to July 9, 2006.

AGGRAVATION

Corporate Principal Bobby Collins intentionally violated the restriction.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated October 6, 2006. This was the Licensee's first Category I violation within two years. Any subsequent violation of this type within the same two-year period will result in cancellation of the license.
2. The Commission's Public Safety Program originally proposed a sanction of a 30-day suspension or civil penalty of \$4,950.00 and added two days for aggravation for a total of a 32-day license suspension or a civil penalty of \$4,950.00 in lieu of 30 days with the remaining two days of the suspension mandatory.
3. Commission staff will reduce the penalty by nine days. This is equivalent to a 30% reduction of the sanction before aggravation.
4. Licensees will pay a civil penalty of \$3,795.00 by 5:00 PM on December 26, 2006 or serve a 23-day suspension beginning at 7:00 AM on December 30, 2006 and ending at 7:00 AM on January 22, 2007.
5. Licensee withdraws the request for a hearing in this matter.

GATEWAY PUB 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 December 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

9. William Allegri
ALLEGRI WINE SHOP (O)
44 N. Main Avenue
Gresham OR 97030
(26-29203-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee William Allegri failed to verify
the age of two Multnomah County Task
Force minor decoys before allowing the
decoys to buy alcohol when they both
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 September 20, 2006. The proposed
sanction, considering aggravation, was a \$1,980
civil penalty and a 12-day suspension. Licensee
requested a hearing and now wishes to withdraw
that request to enter into this Settlement
Agreement.

AGGRAVATION

Licensee 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 September 20, 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 William Allegri personally committed the 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 December 26, 2006 **or** serve a nine-day suspension beginning at 7:00 AM on December 31, 2006 and ending at 7:00 AM on January 9, 2007.
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 Licensee's Commission file and may be considered in any future application for a liquor license by Licensee.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 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. Yang's LLC
Guo (Karl) Yang, Member/Shareholder
Weiyu Yang, Member/Shareholder
LUM YUEN RESTAURANT (FCOM)
1236 Price Road SE
Albany OR 97321
(22-26488-FCOM)

OAR 845-006-0345 (11)(a) - Licensee allowed the sale, offer or service to any person of an unlimited number of alcoholic beverages during any set period of time for a fixed price (September 8, 2006).

(Third, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 23, 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 Agreement.

AGGRAVATION

Licensee made efforts to conceal the violation.

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. Any subsequent violation of this type within the same two-year period will be charged at the fourth level.
2. Staff originally proposed the standard sanction of a 30-day suspension and added two days for aggravation because Licensee made efforts to conceal the violation, for a total of a 32-day license suspension.
3. The Commission will reduce the sanction 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 January 1, 2007 and ending at 7:00 AM on January 24, 2007.
5. Licensee withdraws the request for a hearing.
6. If Licensee's interest in the license expires before the Commission issue 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 December 2006 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

11. Oswego Lake Country Club
James W. Gilmore, President
Dick F. Anderson, Vice President
Neil G. Jaques, Treasurer
Philip J. Robinson, Secretary
OSWEGO LAKE COUNTRY CLUB
(FCLU)
20 Iron Mountain Blvd.
Lake Oswego OR 97034
(03-02146-FCLU)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employees Melissa Osburn
and Tamara Gillis 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 (June 30, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated October 16, 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.

MITIGATION

Licensee has a lengthy history of compliance with the
Commission.

AGGRAVATION

Two employees were involved in 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, added two days for aggravation because two employees were involved in the violation, and reduced the sanction by two days because Licensee has a lengthy history of compliance with the Commission, for a total sanction of a 10-day suspension or a \$1,650.00 civil penalty.
3. Licensee has installed 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 the 10-day suspension or \$1,650.00 civil penalty. Licensee will use the equipment at every point of sale used to sell alcoholic beverages.
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.

OSWEGO LAKE COUNTRY CLUB continued

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