

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

January 16, 2007

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Little Cooperstown, Inc. Thomas Muir, Pres/Stkhldr Jennifer McKenna Muir, Sec/Treas Kenneth Arrigotti, Treas/Stkhldr SINNOTT'S TAVERN (FCOM) 5851 NE Halsey Portland OR 97213 (26-00479-FCOM)	ORS 471.360 (1)(b) - Licensee permitted employee Carol Spaw to sell, mix, or serve alcohol, or manage those who do, without a valid service permit (from about May 24, 2004 to about September 13, 2006). (First, Category III)	\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION <u>AGGRAVATION</u> Carol Spaw did not have a valid service permit for about 2½ years. <u>MITIGATION</u> Licensee has a lengthy history of compliance with the Commission.
2. Martin Ochoa LUPITA'S (FCOM) 311 N Front Street Woodburn OR 97071 (24-26140-FCOM)	<u>Violation Number One</u> OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employees, Ana Martinez-Moncada and Angie Palacios-Ochoa, 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 (October 13, 2006). (Third, Category III) <u>Violation Number Two</u> ORS 471.360 (1)(b) - Licensee permitted employees, Ana Martinez-Moncada and Angie Palacios-Ochoa, to sell, mix, or serve alcohol, or manage those who do, without having valid service permits	64-DAY SUSPENSION - OR - \$9,900 CIVIL PENALTY AND 4-DAY SUSPENSION <u>AGGRAVATION</u> <ol style="list-style-type: none">1. Two employees participated in Violation Number One.2. Two employees worked without service permits (Violation Number Two). <u>MITIGATION</u> Because Licensee's previous two Category III violations were charged at the first level, and Violations Number One and Two were discovered concurrently, these two violations were charged at the second level.

LUPITA'S continued

(varying lengths of time from about April 13, 2006 to about October 13, 2006).

(Fourth, Category III)

3. JTCM Enterprises, Inc.
Joseph Guglielmo, VP/Stkhldr
Michael West, Treas/Stkhldr
Cynthia Frank, Sec/Stkhldr
MALONE'S CAFÉ & BAR (FCOM)
14709 SW Teal Blvd
Beaverton OR 97007
(34-18826-FCOM)

OAR 845-006-0425 (1) - Licensee's employee, Chadau Creger, sold, dispensed, served or consumed alcoholic liquor on the licensed premises between 2:30 AM and 7:00 AM (March 19, 2006).

(First, Category IV)

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

(Licensee paid the \$1,485 civil penalty on January 4, 2007.)

AGGRAVATION

The violation involved several people consuming alcohol during prohibited hours.

4. **CHADAU W. CREGER**
Service Permit No. 248304

Employer: **MALONE'S CAFÉ & BAR**
(FCOM)
14709 SW Teal Blvd
Beaverton OR 97007

OAR 845-006-0425 (1) - Service Permittee Creger sold, dispensed, served or consumed alcohol on the licensed premises between 2:30 AM and 7:00 AM (March 19, 2006).

(First, Category IV)

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

(Permittee paid the \$225 civil penalty on December 5, 2006.)

AGGRAVATION

The violation involved several people consuming alcohol during prohibited hours.

5. Kathleen L. Miller
KAT'S KORNER BILLIARDS & SPORTS LOUNGE (FCOM)
3393 River Road
Keizer OR 97303
(24-35497-FCOM)

OAR 845-006-0335 (3)(b) - Licensee's employee, Edward Pallin, permitted two minors to be on the licensed premises or an area of the licensed premises prohibited to minors (September 27, 2006).

(First, Category IV)

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

AGGRAVATION
Two minors were involved in the violation.

MITIGATION

Licensee has a lengthy record of good compliance with the Commission.

6. One Way Street, LLC
Casey Carl, Member
Craig Olson, Member
Shaun Semsch, Member
VENDETTA (FCOM)

OAR 845-006-0347 (2)(a) - Licensee permitted disorderly activity on the licensed premises and in areas Licensee controls that are adjacent to or outside the premises when Member Shaun

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

AGGRAVATION
Members Craig Olson and Shaun Semsch were involved in the violation.

4306 N Williams Ave
Portland OR 97217
(26-40397-FCOM)

Semsch, a visibly intoxicated person, refused to leave the premises and harassed and threatened employees with a knife (September 23, 2006).

(First, Category III)

7. Victoria Mata-Lopez
LA CASA MEDELLO (FCOM)
1160 Highway 101 North
Tillamook OR 97141
(29-11896-FCOM)

OAR 845-006-0335 (3)(b) - Licensee permitted her minor son Jacob to be on the licensed premises or an area of the licensed premises prohibited to minors (November 2, 2006).

(First, Category IV)

\$1,815 CIVIL PENALTY - OR - 11-DAY SUSPENSION

AGGRAVATION

1. Licensee personally committed the violation.
2. Licensee's minor son Jacob is a juvenile.
3. Licensee received verbal instructions regarding minors in a prohibited area on April 21, 2006 and October 17, 2006.

MITIGATION

Licensee has a lengthy record of good compliance with the Commission.

8. SP1 LLC
Robert Jackson, Jr., Member
Annemarie Lockhart, Member
SPORTS PAGE (FCOM)
8590 SW Hall Blvd.
Beaverton OR 97008
(34-02335-FCOM)

Violation Number One
ORS 471.360 (1)(b) - Licensee permitted employee Nikole Froehle to sell, mix, or serve alcohol, or supervise those who do, without a valid service permit (from about December 23, 2005 to about August 18, 2006).

(First, Category III)

\$3,465 CIVIL PENALTY - OR - 21-DAY SUSPENSION *

(Licensee paid the \$3,465 civil penalty on January 2, 2007.)

AGGRAVATION

1. Nikole Froehle worked without a valid service permit for almost eight months.
2. Violation Number Two involved three employees

MITIGATION

Licensee has lengthy record of good compliance.

- * Because Member Annemarie Lockhart divested her interest in the business after the violation, Staff recommends the Commission issue her a Letter of Reprimand. This Reprimand will become a permanent part of Ms. Lockhart's Commission file and may be considered in any future application for a liquor

9. **AMANDA VAUGHN**
Service Permit No. 184430

Employer: **SPORTS PAGE** (FCOM)
8590 SW Hall Blvd.
Beaverton OR 97008

OAR 845-006-0425 (1) - Service Permittee Amanda Vaughn sold, dispensed, served or consumed alcohol on the licensed premises between 2:30 AM and 7:00 AM (March 19, 2006).

(First, Category IV)

license by her.
\$225 CIVIL PENALTY - OR - 9-DAY SUSPENSION

AGGRAVATION

The violation involved several people consuming alcohol during prohibited hours.

10. **TRAVIS THOMPSON**
Service Permit No. 228259

Employer: **SPORTS PAGE** (FCOM)
8590 SW Hall Blvd.
Beaverton OR 97008

OAR 845-006-0425 (1) - Service Permittee Travis Thompson sold, dispensed, served or consumed alcohol on the licensed premises between 2:30 AM and 7:00 AM (March 19, 2006).

(First, Category IV)

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

AGGRAVATION

The violation involved several people consuming alcohol during prohibited hours.

11. Murrbone, LLC
Bruce Bauer, Managing Member
VINO (O)
1226 SE Lexington
Portland OR 97202
(26-28601-O)

OAR 845-006-0335 (1)(a)(b)(c) - Managing Member Bruce Bauer failed to verify the age of a Multnomah County Multi-Agency Task Force minor decoy before allowing the decoy to purchase alcohol when she reasonably appeared to be under 26 years of age (November 8, 2006).

(First, Category III)

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

AGGRAVATION

Managing Member Bauer participated in the violation.

MITIGATION

Licensee has a lengthy record of good compliance with the Commission.

12. Jesse Hausmann
Amber Brandon
AJ'S HAUS (L)
1119 Santiam Highway
Albany OR 97321
(22-40376-L)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Amber Brandon 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 (October 13, 2006).

(First, Category III)

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

(Licensees paid the \$1,980 civil penalty on December 12, 2006.)

AGGRAVATION

Licensee Amber Brandon participated in the violation.

13. Hunter Tavern, LLC
Jason Hunter, Managing Member
BRIGHTWOOD TAVERN (FCOM)
63010 East Brightwood Bridge Road
Brightwood OR 97011
(03-02562-FCOM)

Violation Number One
OAR 845-006-0457 (2) - Managing Member Jason Hunter allowed Nathan Newitt and McNewitt's Inc. to obtain an interest in the licensed premises without prior approval by the Commission when Nathan Newitt and McNewitt's Inc. exercised control over the business and received or was entitled to receive profits of the licensed business (from about February 17, 2006 to at least October 3, 2006).

(First, Category I)

Violation Number Two
ORS 471.425 (1) - Managing Member Jason Hunter made false representations or statements to the Commission in order to induce or prevent action by the Commission when he submitted a license application listing Hunter Tavern, LLC as the sole license applicant and when he made statements to inspectors that he and not Nathan Newitt was the owner of Brightwood Tavern (February 17, 2006, August 25, 2006 and August 31, 2006).

(First, Category II)

14. Laxmi Corporation
Vijay Narain, President
Jaswanti Narain, Vice President
DENNY'S DINER (FCOM)
2265 Highway 395 South
Hermiston OR 97838
(30-35787-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees Noreen Barrick, Melody Buckley, and Brianna Longhorn, to sell, mix, or serve alcohol, or supervise those who do, without valid service permits issued by the Commission (varying lengths of time from about July 30, 2006 to about November 1, 2006).

LICENSE CANCELLATION

AGGRAVATION

Violation Number One

1. Managing Member Hunter was personally involved in this violation.
2. The violation was intentional.

Violation Number Two

1. Managing Member Hunter was personally involved in this violation.
2. Managing Member Hunter made several false statements to the Commission.
3. This violation was intentional.

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

AGGRAVATION

The violation involved three employees without service permits.

15. ACG Holdings, LLC
Arnaldo Garcia
Cynthia Garcia
MORNING STAR CAFÉ (L)
510 SW 3rd Ave.
Portland OR 97204
(26-38144-L)

(First, Category III)
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee Sean Conners
failed to verify the age of a Portland
Police Bureau 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)

LETTER OF REPRIMAND

Note: Licensee was charged with this violation by OLCC Violation Notice No. 09624, dated July 27, 2006. 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 the request when the business sold. Because Licensee no longer holds an interest in the liquor license, staff proposes the Commission issue Licensee a Letter of Reprimand.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

16. Rack N' Cue, LLC
Liem T. Lam, Member
RACK N' CUE (L)
1970 Lancaster Dr. NE #125
Salem OR 97305
(24-39881-L)

OAR 845-005-0400 (1) - Licensee failed to maintain liquor liability insurance or a bond with a corporate surety in the amount of not less than \$300,000 (from about September 5, 2006 until September 25, 2006).

(First, Category I)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 23, 2006. The proposed sanction, considering mitigation, was a \$4,950 civil penalty or a 30-day suspension. Licensee requested a hearing and now wishes to withdraw the request to enter into this Settlement Agreement.

MITIGATION

Licensee has since obtained liquor liability insurance.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed Licensed Suspension/Civil Penalty dated October 23, 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.
3. Commission staff will reduce the penalty by nine days. This is equivalent to a 30% reduction of the sanction.
4. Licensee will pay a civil penalty of \$3,465.00 by 5:00 PM on January 26, 2007 or serve a 21-day suspension beginning at 7:00 AM on January 31, 2007 and ending at 7:00 AM on February 21, 2007.
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 January 2007 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. William D. Hanna
Charles D. Hanna
AV MARKET & PUB AND GRILL (L)
6002 NE William R. Carr
Adair Village OR 97330
(02-08434-L)

Violation Number One
OAR 845-005-0400 (1) - Licensee failed to maintain liquor liability insurance or a bond with a corporate surety in the amount of not less than \$300,000 (from about June 8, 2004 to about June 12, 2006).

(First, Category I)

Violation Number Two
ORS 471.425 (1) - Charles D. Hanna, William D. Hanna, and Kay M. Hanna made a false representation or statement to the Commission in order to induce or prevent action by the Commission when they indicated on their renewal application that they had liquor liability insurance with Safeco Insurance Company (June 8, 2004).

Charles D. Hanna, William D. Hanna, and Kay M. Hanna made a false representation or statement to the Commission in order to induce or prevent action by the Commission when they indicated on their renewal application that they had liquor liability insurance with Safeco Insurance Company (June 7, 2005 and June 8, 2005).

(First, Category II)

SETTLEMENT AGREEMENT

Note: Licensees were charged with these violations by Notice dated August 3, 2006. The proposed sanction, considering aggravation and mitigation, was a 68-day suspension or \$4,950 civil penalty and a mandatory 38-day suspension. Licensees requested a hearing and now wish to withdraw their request to enter into this Settlement Agreement.

AGGRAVATION

1. Licensees did not have liquor liability insurance for about two years.
2. Licensees made multiple false statements or representations to the Commission.
3. Multiple people were involved in Violation Number Two.
4. Licensees were personally involved in Violation Number Two.

MITIGATION

Licensees have reinstated their liquor liability insurance.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated August 3, 2006. These were Licensees' first Category I and Category II violations within two years. Any subsequent violation of these two types within the same two-year period will be

charged at the second level.

2. The Public Safety Program originally proposed a sanction of a 30-day suspension or civil penalty of \$4,950.00 for Violation Number One and added two days of aggravation 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 Public Safety Program originally proposed the standard sanction of a 30-day suspension for Violation Number Two and added six days of aggravation, for a total of a 36-day suspension.
4. The Commission will reduce the sanction by 18 days. This is equivalent to a 30% reduction of the standard sanction.
5. The Commission will withdraw four days of the charged aggravation.
6. Licensees have a lengthy record of compliance with the Commission. The Commission will reduce the sanction by two days for this circumstance.
7. Licensees will pay a civil penalty of \$3,465.00 by 5:00 PM on January 26, 2007 and serve a 23-day suspension beginning at 7:00 AM on January 31, 2007 and ending at 7:00 AM on February 23, 2007 or serve a 44-day suspension beginning at 7:00 AM on January 31, 2007 and ending at 7:00 AM on March 16, 2007.
8. Licensees withdraw the request for a hearing.
9. 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 these violations. 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.
10. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

18. Rita Aviles
Francisco Melendez
Sylvia Aviles
**SALVADOR'S BAKERY III /
EL CORRALEJO (FCOM)**
320 N Pacific Highway
Woodburn OR 97071
(24-38653-FCOM)

OAR 845-006-0425 (1) - Licensees
allowed alcohol to be sold, dispensed,
served, consumed, or removed from the
licensed premises between the hours of
2:30 AM and 7:00 AM (April 16, 2006).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by Amended Notice dated November 15, 2006. The proposed sanction was a \$1,155 civil penalty or a 7-day suspension. Licensees requested a hearing and now wish to withdraw their request to enter into this Settlement Agreement.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Amended Notice of Proposed License Suspension/Civil Penalty dated November 15, 2006. This was Licensee's first Category IV 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 7-day suspension or civil penalty of \$1,155.00.
3. The Commission will reduce the sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a civil penalty of \$825.00 by 5:00 PM on January 26, 2007 **or** serve a five-day suspension beginning at 7:00 AM on January 31, 2007 and ending at 7:00 AM on February 5, 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 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 January 2007 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. Kuldeep Sidhu
Jaskaran Singh Samra
KEIZER MART (O)
4940 River Road N
Keizer OR 97303
(24-36491-O)

Violation Number One

ORS 471.425 (1) - Licensees' employee, servant, or agent Rupinder Kaur made false representations or statements to the Commission in order to induce or prevent action by the Commission when she told the inspectors she had checked the identification of two juveniles when she had not done so (August 9, 2006 and August 14, 2006).

(First, Category II)

Violation Number Two

OAR 845-006-0335 (1)(a)(b)(c) - Licensees' employee, Rupinder Kaur, failed to verify the ages of two minors before allowing them to buy alcohol when they reasonably appeared to be under 26 years of age (August 9, 2006).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with these violations by Notice dated October 31, 2006. The proposed sanction, considering aggravation, was a 52-day suspension **or** a \$3,300 civil penalty and a 32-day mandatory suspension. Licensees requested a hearing and now wish to withdraw their request to enter into this Settlement Agreement.

AGGRAVATION

1. Violation Number One occurred multiple times.
2. Violation Number Two involved two minors.
3. Both minors were juveniles at the time of Violation Number Two.
4. Violation Number Two was intentional.
5. The premises has a reputation for selling alcohol to minors.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated October 31, 2006. These were Licensees' first Category II and Category III violations within two years. Any subsequent violations of these types 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 30-day suspension for Violation Number One and added two days aggravation, for a total of a 32-day suspension.
3. The Public Safety Program staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$1,650.00 for Violation Number Two and added ten days of aggravation, for a total of a 20-day suspension or a civil penalty of \$3,300.00.
4. The Commission will reduce the sanction for Violation Number One by nine days. This is equivalent to a 30% reduction of the standard sanction.

KEIZER MART continued

5. Licensee will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), by January 8, 2007 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 ten-day suspension or \$1,650.00 civil penalty for Violation Number Two. License will run all alcohol sales through the register at which the age verification equipment is installed.
6. Licensees will pay a civil penalty of \$1,650.00 by 5:00 PM on January 26, 2007 and serve a 23-day suspension beginning at 7:00 AM on January 31, 2007 and ending at 7:00 AM on February 23, 2007 **or** serve a 33-day suspension beginning at 7:00 AM on January 31, 2007 and ending at 7:00 AM on March 5, 2007.
7. Licensees withdraw the request for a hearing.
8. 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 these violations. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.