

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

February 15 - 16, 2007

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
<p>1. B & M, Inc. Kar Chi Liang, Pres/Stkhldr Bob Chiou, Sec/Treas/Stkhldr ROCOCO CEDAR MILL (FCOM) 13510 NW Cornell Road Portland OR 97229 (34-03251-FCOM)</p>	<p>ORS 471.360 (1)(b) - Licensee permitted employee Erin Daly to sell, mix, or serve alcohol, or supervise those who do, without a valid service permit (from about March 17, 2006 to about November 9, 2006).</p> <p>(First, Category III)</p>	<p>\$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION</p> <p style="text-align: center;"><u>MITIGATION</u></p> <p>Licensee has a lengthy record of good compliance.</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Erin Daly worked without a valid service permit for over six months.</p>
<p>2. Mai Thi Nguyen ROLL YOUR OWN MART #4 (O) 4452 SE 52nd Portland OR 97206 (26-37448-O)</p>	<p>OAR 845-006-0335 (1)(a)(b)(c) - Licensee Mai Thi Nguyen failed to verify the age of a Multnomah County Multi-Agency Task Force minor decoy before allowing the decoy to purchase alcohol when he reasonably appeared to be under 26 years of age (November 8, 2006).</p> <p>(First, Category III)</p>	<p>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee was personally involved in the violation.</p>
<p>3. McMenamin's, Inc. Mike McMenamin, Pres/Stkhldr Brian McMenamin, VP/Sec/Stkhldr MCMENAMIN'S BOONS TREASURY (FCOM/BP) 888 Liberty St NE</p>	<p>ORS 471.360 (1)(b) - Licensee permitted employees Bradley Johnston and Angel Hayes to sell, mix, or serve alcohol, or supervise those who do, without having valid service permits (varying lengths of time from about June 1, 2006 to about</p>	<p>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</p> <p>(Licensee paid the \$1,980 civil penalty on December 27, 2006.)</p> <p style="text-align: center;"><u>AGGRAVATION</u></p>

Salem OR 97302
(24-30016-FCOM/BP)

November 15, 2006).

Two employees were working without valid permits.

(First, Category III)

4. Pacific Coast Restaurants, Inc.
Alan Fleenor, President/Stockholder
Wesley Curl, Executive Vice President
David Fogle, Secretary/Treasurer
Robert MacLellan, Stockholder
HENRY'S TAVERN (FCOM)
10 NW 12th Street
Portland OR 97209
(26-38001-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employees, Lara Carder and
Tiffany Rissinger, 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 (November 8, 2006).

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

(Licensee paid the \$1,980 civil penalty on January 25,
2007.)

AGGRAVATION

Two employees participated in the violation.

(First, Category III)

5. Lalo Club, LLC
Richard L. Lacey, Member
CLUB 71 (FCOM)
102 Old Stage Road
Sunny Valley OR 97497
(17-06351-FCOM)

Violation Number One
OAR 845-006-0460 (4)(a) - Licensee
failed to meet the minimum seating
requirements during the normal dinner
meal period (March 24, 2006).

\$3,630 CIVIL PENALTY - OR - 22-DAY SUSPENSION

Note: Licensee was charged with Violation Number One
by Violation Notice No. 7451. Licensee was
charged with Violation Number Two by Notice
dated July 21, 2006. Licensee requested a
hearing on both violations and now wishes to
withdraw those requests.

MITIGATION

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

AGGRAVATION

Licensee Richard Lacey personally committed Violation
Number Two.

(First, Category III)

Violation Number Two
ORS 471.410 (1) - Licensee Richard
Lacey knowingly sold, served, or
otherwise made alcohol available to a
visibly intoxicated person (March 24,
2006).

(Second, Category III)

6. RM Beverage Delaware, LLC
RM Distributors, LLC, Managing Member/
Stockholder
MALETIS BEVERAGE (WMBW)
7000 N Cutter Circle
Portland OR 97217
(26-22143-WMBW)

ORS 471.305 - Licensee's employee
George Dimeo delivered alcoholic
beverages to a business that did not have
a valid license on that date (July 18,
2006).

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

Note: Licensee was charged with this violation by
Amended Notice dated November 22, 2006.
Licensee originally requested a hearing and now
wishes to withdraw that request.

(First, Category IV)

7. Raintree, Inc.
Melvin Brown, CEO/Stockholder
CHEERS II/BERLIN BEAR (FCOM)
1889 Willamette Falls Drive
West Linn OR 97068
(03-24974-FCOM)

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

(Fourth, Category III)

8. Corvus Corax, LLC
Nathan C. Dewey, Member
Ryan H. Dewey, Member
Brennan H. Dewey, Member
BROOKLYN PARK PUB (FCOM)
3400 SE Milwaukie Ave.
Portland OR 97202
(26-05337-FCOM)

OAR 845-006-0347 (5) - Member Nathan
Dewey permitted patrons to drink alcohol
in the parking lot of Brooklyn Park Pub
without approval for the sale or service of
alcoholic beverages in that area (July 8,
2006).

(First, Category III)

AGGRAVATION

Licensee received prior warning on March 14, 2006
regarding deliveries of alcohol beverages to unlicensed
premises.

LETTER OF REPRIMAND

Note: Licensee was originally charged with this violation
by Notice dated July 14, 2006. The proposed
sanction, considering mitigation, was a 30-day
license suspension. Licensee requested a
hearing. An Amended Notice dated January 19,
2007, amended the sanction to a Letter of
Reprimand because sole officer and stockholder
Melvin Brown died on December 21, 2006. Mr.
Brown's attorney has withdrawn the request for
hearing.

MITIGATION

Licensee's second and third Category III violations were
both charged at the second level. Therefore this violation
was charged at the third level.

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

(Licensee paid the \$2,310 civil penalty on January 25,
2007.)

Note: Licensee was charged with this violation by
Amended Notice dated December 15, 2006.
Licensee had requested a hearing, but now wishes
to withdraw that request.

AGGRAVATION

1. Member Nathan Dewey was personally involved in
this violation.
2. Multiple patrons were involved in this violation.

9. Bella Café, LLC
Sherry Vote, Managing Member
BELLA CAFÉ (FCOM)
240 South Maple Street
Yamhill OR 97148
(36-38425-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Managing Member Sherry Vote 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

Note: Licensee was charged with this violation by Notice
dated December 1, 2006. Licensee had requested
a hearing, but now wishes to withdraw that
request.

AGGRAVATION

Managing Member Sherry Vote personally committed this
violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

10. Shari's Management Corporation
Lawrence Curtis, President
Bobby Ray Damron, Executive VP
Alan Hartley, Treasurer
Shari's Holding Company, LLC, Stkhldr
SHARI'S OF TROUTDALE (L)
557 NW Phoenix Drive
Troutdale OR 97060
(26-36601-L)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employees, Trinity Taylor and
Jessica Wynkoop, failed to verify the age
of a Multnomah County Multi-Agency
Task Force minor decoy before allowing
the decoy to buy or be served alcohol
when he reasonably appeared to be
under 26 years of age (November 8,
2006).

(First, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of this violation. Because
an aggravating circumstance
exists, Licensee is required to be
removed from the Program and is
therefore no longer eligible for
reduced sanctions based on
Category III(a).

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated December 11, 2006. The proposed
sanction, considering mitigation and aggravation,
was removal from the Responsible Vendor
Program and a \$1,650 civil penalty or a 10-day
suspension. Licensee requested a hearing and
now wishes to withdraw the request to enter into
this Settlement Agreement.

MITIGATION

Licensee has a lengthy record of good compliance.

AGGRAVATION

Two employees were involved in this violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Removal from Responsible Vendor Program and Proposed License Suspension/Civil Penalty. 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. Licensee will be removed from the Responsible Vendor Program. Licensee may reapply for the program one year after this violation is ratified.
3. Staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty, subtracted two days for mitigation because of Licensee's lengthy record of good compliance, and added two days for aggravation because the violation involved two employees, for a total of a 10-day suspension or a \$1,650.00 civil penalty.
4. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.

5. Licensee will pay a \$1,155.00 civil penalty before 5:00 PM on February 26, 2007 **or** serve a seven-day suspension beginning at 7:00 AM on March 3, 2007 and ending at 7:00 AM on March 10, 2007. [Licensee paid the \$1,155.00 civil penalty on January 10, 2007.]
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 February 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

11. Chan's Chinese Restaurant, Inc.
Lap Y. Chan, President/Stockholder
Jian Hong Wu, Treasurer/Stockholder
**CHINA RANCH CHAN'S CHINESE
RESTAURANT (FCOM)**
1005 South Highway 97
Bend OR 97702
(09-06545-FCOM)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Mike Reese 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 (July 21, 2006).

(First, Category III)

Note: Licensee was a member of the Responsible Vendor Program at the time of the violation. Because Licensee did not have all the program standards in place at the time of the violation, Licensee is required to be removed from the Program and is therefore no longer eligible for reduced sanctions based on Category III(a).

Violation Number Two

ORS 471.360 (1)(b) - Licensee permitted employees Teresa Mello and Jian Hong Wu to mix, sell, or serve alcohol, or manage those who do, without valid service permits (varying lengths of time from about 1994 to about July 21, 2006).

(Second, Category III)

Violation Number Three

ORS 471.360 (1)(c) - Licensee's employee Mike Reese failed to make his service permit available for immediate inspection to OLCC inspectors while on

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated November 15, 2006. The proposed sanction, considering mitigation and aggravation, was removal from the Responsible Vendor Program and a \$5,445 civil penalty or a 33-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

MITIGATION

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

AGGRAVATION

1. Corporate Principal Jian Hong Wu was personally involved in Violation Number Two.
2. Jian Hong Wu worked without a valid service permit for approximately 13 months.
3. Teresa Mello worked without a valid service permit for about 12 years.
4. Two employees were involved in Violation Number Two.

duty (July 21, 2006).

(First, Category IV)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Amended Notice of Removal from Responsible Vendor Program and Proposed License Suspension/Civil Penalty. Violations Number One and Two were Licensee's first and second Category III violations. Because they were both charged at the first level, any subsequent violation of this type within the same two-year period will be charged at the second level. Violation Number Three 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. For Violation Number One, staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty.
3. For Violation Number Two, staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added eight days for aggravation because Corporate Principal Jian Hong Wu was personally involved in this violation, Jian Hong Wu worked without a valid service permit for approximately 13 months, Teresa Mello worked without a valid service permit for about 12 years, and two employees were involved in this violation.
4. For Violation Number Three, staff originally proposed the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty.
5. Staff proposed to mitigate the sanction two days because of Licensee's lengthy record of good compliance.
6. Licensee 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. Licensee will use age verification equipment at every point of sale used to sell alcoholic beverages.
7. The Commission will reduce the remaining sanction by five days. This is equivalent to a 30% reduction of the standard sanction.
8. Licensee is removed from the Responsible Vendor Program. Licensee may reapply for the program one year from the date this settlement is ratified.
9. Licensee will pay a \$2,970.00 civil penalty before 5:00 PM on February 26, 2007 **or** serve an 18-day suspension beginning at 7:00 AM on March 3, 2007 and ending at 7:00 AM on March 21, 2007.
10. Licensee withdraws the request for a hearing.
11. 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.
12. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their February 2007 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

12. Eastern Pearl, Inc.
Hung Ng, President
EASTERN PEARL (FCOM)
8651 SW Canyon Drive
Portland OR 97225
(34-07399-FCOM)

OAR 845-006-0335 (3)(b) - Licensee's employees Jenny Saling and Daniel Hardt permitted three minors to be on the licensed premises or an area of the licensed premises prohibited to minors (November 25, 2006).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated January 17, 2007. The proposed sanction, considering aggravation, was a \$2,145 civil penalty or a 13-day suspension. Licensee requests to enter into this Settlement Agreement.

AGGRAVATION

1. Two employees were involved in the violation.
2. Three minors 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 or Civil Penalty dated January 17, 2007. This was the 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 in Category IV.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 7-day suspension or a \$1,155.00 civil penalty, and added six days for aggravation because two employees and three minors were involved in the violation, for a total of a 13-day suspension or civil penalty of \$2,145.00.
3. The Commission's Public Safety Program will reduce the sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$1,815.00 by 5:00 PM on February 26, 2007 **or** serve an 11-day suspension beginning at 7:00 AM on March 3, 2007 and ending at 7:00 AM on March 14, 2007. [Licensee paid the \$1,815.00 civil penalty on February 2, 2007.]
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 February 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

13. JENNY P. SALING

Service Permit No. 226979

Employed at: EASTERN PEARL (FCOM)
8651 SW Canyon Drive
Portland OR 97225
(34-07399-FCOM)

OAR 845-006-0335 (3)(b) - Service Permittee Jenny Saling permitted three minors to be on the licensed premises or an area of the licensed premises prohibited to minors (November 25, 2006).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Permittee was charged with this violation by Notice dated January 17, 2007. The proposed sanction, considering aggravation, was a \$275 civil penalty or an 11-day suspension. Permittee requests to enter into this Settlement Agreement.

AGGRAVATION

Three minors were involved in the violation.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the Notice of Proposed Service Permit Suspension or Civil Penalty. This was Permittee'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 originally proposed the standard sanction of a seven-day suspension or \$175.00 civil penalty and added four days of aggravation because multiple minors were involved in the violation, for a total of an 11-day suspension or \$275.00 civil penalty.
3. The Commission will reduce the sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Permittee will pay a civil penalty of \$225.00 by 5:00 PM on February 26, 2007 **or** serve a nine-day suspension beginning at 7:00 AM on March 3, 2007 and ending at 7:00 AM on March 12, 2007.
5. If Permittee's interest in the Service Permit expires before the Commission issues a final order on this allegation, Permittee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Permittee's Commission file.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their February 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 Permittee's hearing rights will be restored.