

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

April 20, 2007

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION &amp; COMMENTS</u>
<p>1. Yamhill Pub, LLC Kevin Hill, Managing Member <b>YAMHILL PUB</b> (FCOM) 223 SW Yamhill Portland OR 97204 (26-05034-FCOM)</p>	<p>OAR 845-006-0460 (4)(a) - Licensee failed to meet the minimum seating requirements during the regular meal period when there were only 22 dining seats available for patrons (January 17, 2007).</p> <p>(First, Category III)</p>	<p><b>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</b></p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee received a prior warning regarding minimum dining seating requirements.</p>
<p>2. China Hut #2, LLC Wing Fung Fong, Managing Member Yuen Kuen Fong, Member <b>CHINA HUT RESTAURANT &amp; LOUNGE</b> (FCOM) 450 S Riverside Medford OR 97501 (15-02678-FCOM)</p>	<p>OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employees Kyla Dammeier and Beverly Miller 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 (October 29, 2006).</p> <p>(First, Category III)</p> <p>Note: Service Permittees Kyla Dammeier and Beverly Miller were both charged with this violation. Permittee Dammeier paid the \$150 civil penalty. Permittee Miller chose to serve the six-day suspension.</p>	<p><b>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</b></p> <p>(Licensee paid the \$1,980 civil penalty on February 21, 2007.)</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Two employees participated in this violation.</p>
<p>3. Jantzen Beach Wings LLC</p>	<p>ORS 471.360 (1)(b) - Licensee permitted</p>	<p><b>\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION</b></p>

Hooters of Oregon Partners LLC, Member  
**HOOTER'S** (FCOM)  
11875 N Jantzen Drive, Suite A  
Portland OR 97217  
(26-40164-FCOM)

employee Ashley Gardner to sell, mix, or serve alcohol, or supervise those who do, without a valid service permit (from about March 27, 2006 to January 12, 2007).

(Licensee paid the \$1,980 civil penalty on March 21, 2007.)

AGGRAVATION

Employee Gardner worked for over six months without a valid service permit.

(First, Category III)

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

AGGRAVATION

Corporate Principal Gerald Huston personally committed this violation.

4. Spud Cellar Deli, Inc.  
Gerald Huston, President  
Carol Huston, VP/Secretary/Treasurer  
**SPUD CELLAR DELI** (O)  
303 East 3rd  
The Dalles OR 97058  
(33-39346-O)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Gerald Huston failed to verify the age of a minor decoy from The Dalles PD before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (December 15, 2006).

(First, Category III)

5. George W. Taft  
**BIG DADDY'S SPORTS GRILL** (FCOM)  
3011 N Lombard St.  
Portland OR 97217  
(26-39802-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Jacquelin Perry to sell, mix, or serve alcohol, or supervise those who do, without a valid service permit (from about February 2006 to January 26, 2007).

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

AGGRAVATION

Jacquelin Perry worked for over six months without a valid service permit.

(First, Category III)

6. The Road Stop Restaurant LLC  
Brandy Badillo, Member  
**THE ROAD STOP RESTAURANT** (L)  
302 W 2nd Street  
The Dalles OR 97058  
(33-39849-L)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Mary MacLeod and Member Brandy Badillo failed to verify the age of a minor decoy from The Dalles PD before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (December 15, 2006).

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

AGGRAVATION

Member Brandy Badillo was personally involved in failing to verify the minor decoy's age.

(First, Category III)

7. Robert Hancy  
**NORTHWEST TRAINING & EVENTS**  
34326 Johnsons Landing Court #23  
Scappoose OR 97056

OAR 845-016-0035 (1)(c) - Server  
Education Provider/Instructor Robert  
Hancy submitted server education exam  
answer sheets to the Commission beyond  
the required 36 hours from completion of  
the course (December 21, 2006).

(First, Category III)

**LETTER OF REPRIMAND**

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Perry D. Bishop  
**BISHOP WINE DISTRIBUTORS** (WMBW)  
107 SE Washington  
Portland OR 97214  
(26-40540-WMBW)

ORS 471.155 (1) - Licensee failed to maintain a bond with a corporate surety authorized to transact business in this state (from September 15, 2005 to March 2, 2006).

(First, Category I)

### **SETTLEMENT AGREEMENT**

Note: Licensee was charged with this violation by Notice dated June 9, 2006. The proposed sanction, considering mitigation, was a \$4,950 civil penalty or a 30-day license suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### MITIGATION

Licensee took immediate steps to reinstate his bond after receiving notice from the OLCC.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or Civil Penalty dated June 9, 2006. This was 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.
2. The Public Safety Program staff originally proposed a 30-day suspension or a civil penalty of \$4,950.00.
3. The Commission will reduce the sanction 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 April 30, 2007 **or** serve a 21-day suspension beginning at 7:00 AM on May 5, 2007 and ending at 7:00 AM on May 26, 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 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 April 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

9. Paul Hansen  
Robert Wray, Jr.  
**DESCHUTES CANYON CAMPGROUND**  
(O)  
7228 NW Highway 26  
Madras OR 97741  
(16-21648-O)

OAR 845-009-0145 (4) - Licensees allowed employee Joyce Charley to continue to sell alcohol without completing an approved training course within the required time as a result of the employee's failure to properly verify a minor's identification on December 22, 2005 (between about March 16, 2006 and May 16, 2006).

(Third, Category III)

### SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by Notice dated August 11, 2006. The proposed sanction, considering aggravation, was a 32-day license suspension. Licensees requested a hearing and now wish to withdraw their request to enter into this Settlement Agreement.

### AGGRAVATION

Licensees received prior warnings for allowing clerks to continue to sell alcohol without completing the training course within the required time.

### TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension dated August 11, 2006. This was the Licensees' third Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the fourth level.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 30-day suspension and added two days for aggravation because Licensees received prior warning regarding the violation, for a total of a 32-day suspension.
3. The Commission's Public Safety Program will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will serve a 23-day suspension beginning at 7:00 AM on May 5, 2007 and ending at 7:00 AM on May 28, 2007.
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 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 April 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 Licensees' hearing rights will be restored.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

10. Concept Entertainment Three, LLC  
John Plew, Managing Member  
Russell Teising, Member  
Daniel Lenzen, Member  
Jeffrey Plew, Member  
**BARRACUDA BAR & GRILL (FCOM)**  
9 NW 2nd Avenue  
Portland OR 97209  
(26-37602-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Joseph Donahue to sell, mix, or serve alcohol, or supervise those who do, without a valid service permit (from about January 15, 2006 to about July 8, 2006).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by an Amended Notice dated March 5, 2007. The proposed sanction 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.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Suspension or Civil Penalty. 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.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty.
3. The Commission's Public Safety Program 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 April 30, 2007 **or** serve a 7-day suspension beginning at 7:00 AM on May 5, 2007 and ending at 7:00 AM on May 12, 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 April 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

11. Domestic Solutions, LLC  
Ryan Lehmann, Managing Member  
Zoë Lehmann, Member  
**MONGOLIAN BBQ** (L)  
975/979 Medford Center  
Medford OR 97504  
(15-38554-L)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employees, Jaime Carpenter  
and Tiffany Sullens, 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 28,  
2006).

(First, Category III)

Note: Permittees Jaime Carpenter and  
Tiffany Sullens were each charged  
with this violation. Both Permittees  
chose to serve the six-day  
suspension in lieu of the \$150 civil  
penalty.

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated February 8, 2007. The proposed  
sanction, considering aggravation, was a \$1,980  
civil penalty or a 12-day license suspension.  
Licensee requests to enter into this Settlement  
Agreement.

### 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 or Civil Penalty dated February 8, 2007. 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.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty, and added two days for aggravation because two employees were involved in the violation, for a total of a 12-day suspension or civil penalty of \$1,980.00.
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 10-day suspension or a civil penalty of \$1,650.00. Licensee will run all alcohol sales through registers at which the age verification is installed.
4. Licensee will pay a civil penalty of \$330.00 by 5:00 PM on April 30, 2007 **or** serve a two-day suspension beginning at 7:00 AM on May 1, 2007 and ending at 7:00 AM on May 3, 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 April 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 hearings

rights will be restored.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

12. Plaid Zebra, LLC  
Patrick Lanagan, Member  
**EAGLE PORTLAND** (FCOM)  
835 N Lombard  
Portland OR 97217  
(26-00498-FCOM)

OAR 845-006-0460 (4) - Licensee failed to have minimum dining seating available during the designated meal period (January 12, 2007).  
  
(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by OLCC Violation Notice No. 09813 dated February 7, 2007. The proposed sanction, after the fast track deadline, 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.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the OLCC Violation Notice dated February 7, 2007. 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.
2. The Public Safety Program staff originally proposed a 10-day suspension or a 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 sanction.
4. Licensee will pay a civil penalty of \$1,155.00 by 5:00 PM on April 30, 2007 **or** serve a 7-day suspension beginning at 7:00 AM on May 5, 2007 and ending at 7:00 AM on May 12, 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 April 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.