

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

May 14, 2007

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION &amp; COMMENTS</u>
<p>1. Robert Carrillo Maria Ponce Echeneste <b>CIELITO LINDO FOOD &amp; MINI MART (O)</b> 500 Chetco Avenue Brookings OR 97415 (08-13988-O)</p>	<p>OAR 845-006-0335 (1)(a)(b)(c) - Licensee Maria Ponce Echeneste 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 (January 5, 2007).</p> <p>(First, Category III)</p>	<p><b>\$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION AND CREDIT GIVEN FOR PURCHASE/USE OF AGE VERIFICATION EQUIPMENT</b></p> <p>(Licensees purchased the age verification equipment on February 20, 2007 and paid the \$330 civil penalty on April 2, 2007.)</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee Maria Ponce Echeneste personally committed the violation.</p>
<p>2. Worldcellar.net, Inc. Marvyn R.C. Mills, Pres/Sec/Treas <b>WORLDCELLAR.NET (O)</b> 1722 NW Raleigh Street Portland OR 97209 (26-40080-O)</p>	<p>OAR 845-006-0365 (1) - Licensee issued checks to a wholesale licensee to pay for wine products. The checks were returned for non-sufficient funds. (On or about June 11, July 25, July 31, September 26, October 27, November 24, December 11, December 12, 2006 and January 22, January 31 and February 1, 2007).</p> <p>(First, Category V)</p>	<p><b>\$825 CIVIL PENALTY - OR - 5-DAY SUSPENSION</b></p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Licensee issued multiple checks that were returned for non-sufficient funds.</p>
<p>3. HDTL, Inc. Hao Long, President/Stockholder Di Long, Vice President/Stockholder Mui Mui Phung, Stockholder</p>	<p>ORS 471.360 (1)(b) - Licensee permitted employees David Green and Thanittha Kokkhuntod to sell, mix, or serve alcohol, or supervise those who do, without having</p>	<p><b>\$2,310 CIVIL PENALTY - OR - 14-DAY SUSPENSION</b></p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>1. Two employees were working without valid service</p>

Dan Long, Stockholder  
**SOBA NOODLE & RICE (L)**  
291 E Cascade Street  
Sisters OR 97559  
(09-37692-L)

valid service permits (varying lengths of time from about May 2006 to about January 20, 2007).

(First, Category III)

permits.  
2. David Green worked without a valid service permit for over six months.

4. Cindy P. Chan  
Jason C. Chan  
**CHAN'S RESTAURANT (L)**  
16483 Lower Harbor Road  
Harbor OR 97415  
(08-13755-L)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Cindy Chan 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 (January 5, 2007).

(First, Category III)

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

Note: Licensees were charged with this violation by Notice dated March 1, 2007. Licensees originally requested a hearing and later withdrew their request.

AGGRAVATION

Licensee Cindy Chan personally committed this violation.

MITIGATION

Licensees have a lengthy record of good compliance.

5. Edith Rivera  
Jorge Rivera  
**EL JARRO AZUL MEXICAN & SALVADORIAN FOOD FAMILY RESTAURANT (FCOM)**  
764 Blair Boulevard  
Eugene OR 97402  
(20-22812-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Edith Rivera 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 (January 19, 2007).

(First, Category III)

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

AGGRAVATION

Licensee Edith Rivera personally committed this violation.

MITIGATION

Licensees have a lengthy record of good compliance.

6. San Jose Market, Inc.  
Jose Garcia-Perez, Pres/Treas/Sec  
**SAN JOSE MARKET (O)**  
2525 Baseline Street  
Cornelius OR 97113  
(34-40834-O)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Jose Garcia-Perez 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 (February 28, 2007).

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

AGGRAVATION

Corporate Principal Jose Garcia-Perez participated in the violation.

(First, Category III)

7. Dorothy Weaver  
**KORNER POCKET TAVERN** (L)  
7300 NE Sandy Blvd  
Portland OR 97213  
(26-00481-L)

ORS 471.360 (1)(b) - Licensee permitted employee Walter Pacheco to sell, mix, or serve alcohol, or supervise those who do, without having a valid service permit (September 13, 2006).

(First, Category III)

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

Note: Licensee was charged with this violation by OLCC Violation Notice No. 09740 dated October 11, 2006. The proposed sanction, after the fast track deadline, was a \$1,650 civil penalty or a 10-day suspension. Licensee originally requested a hearing and then withdrew her request.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Thai Orchid, Inc.  
Prapapen (Penny) Saenguraiporn, Pres.  
Chamna (Na) Saenguraiporn, Sec.  
**THAI ORCHID RESTAURANT** (FCOM)  
285 Liberty Street NE #250  
Salem OR 97301  
(24-27608-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employee Ashley Adams  
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  
(February 16, 2007).

(Second, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated March 16, 2007. 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 wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Licensee has previously been allowed to purchase age verification equipment as a full offset to a penalty for a previous failure to verify the age of a minor. The age verification equipment was not used to prevent this current violation.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated March 16, 2007. This was the 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 Commission's Public Safety Program originally proposed the standard sanction of a 30-day suspension or \$4,950.00 civil penalty and added two days of aggravation for not using age verification equipment to prevent the current violation after previously being allowed to purchase age verification equipment as a full offset to a penalty for a previous failure to verify the age of a minor, for a total sanction 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's Public Safety Program 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 May 24, 2007 **or** serve a 23-day suspension beginning at 7:00 AM on May 29, 2007 and ending at 7:00 AM on June 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 May 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

9. Bronco Billy's Ranch Grill & Saloon, Inc.  
John J. Keenan, President/Stockholder  
John T. Tehan, Sec/Treas/Stockholder  
**BRONCO BILLY'S RANCH GRILL &  
SALOON** (FCOM)  
190 E Cascade  
Sisters OR 97759  
(09-14830-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees Laurie Joseph, Cody Peden, and Tyson Sakagawa to sell, mix, or serve alcohol, or supervise those who do, without having valid service permits (varying lengths of time from about December 4, 2005 to about September 10, 2006).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 20, 2006. The proposed sanction, considering aggravation, was a \$2,640 civil penalty or a 16-day license suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

1. This violation involved three employees without service permits.
2. Employee Laurie Joseph worked without a valid service permit for approximately nine months.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This violation was Licensee's first Category III violation. Any subsequent violation of this type within the same two-year period will be charged at the second level.
2. Staff originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added six days for aggravation because this violation involved three employees without service permits and because Laurie Joseph worked without a valid service permit for approximately nine months.
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 \$2,145.00 civil penalty before 5:00 PM on May 24, 2007 **or** serve a 13-day suspension beginning at 7:00 AM on May 29, 2007 and ending at 7:00 AM on June 11, 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 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 May 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

10. Tony Kassapakis  
Maria Kassapakis  
**TONY'S TAVERN** (L)  
1955 W Burnside  
Portland OR 97209  
(26-00659-L)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Maria Kassapakis 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 years of age  
(November 8, 2006).

(Second, Category III)

### SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by  
Notice dated January 5, 2007. 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 wish to withdraw  
that request to enter into this Settlement  
Agreement.

### AGGRAVATION

Licensee Maria Kassapakis participated 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 January 5, 2007. This was the 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 in Category III.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 30-day suspension or \$4,950.00 civil penalty, and added two days for aggravation because Licensee Maria Kassapakis was personally involved in the violation, for a total of a 32-day suspension or civil penalty of \$4,950.00 in lieu of 30 days suspension with the remaining two days of the suspension mandatory.
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 have 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 a 10-day suspension or a civil penalty of \$1,650.00. Licensees will run all alcohol sales through the register at which the age verification equipment is installed.
5. Licensees will pay a civil penalty of \$2,145.00 by 5:00 PM on May 24, 2007 **or** serve a 13-day suspension beginning at 7:00 AM on May 29, 2007 and ending at 7:00 AM on June 11, 2007.
6. Licensees withdraw the request for a hearing in this matter.
7. 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.

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