

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

JULY 16, 2007

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Downtown Delicatessen, Inc. Ted Papas, Pres/Stkhldr John Papatheodorou, Sec/Stkhldr DOWNTOWN DELI & GREEK CUSINA (FCOM) 404 SW Washington Street Portland OR 97204 (26-08901-FCOM)	OAR 845-007-0020 (2) - Licensee made references outside the licensed premises to temporary price reductions for alcoholic beverages to be consumed on the licensed premises (December 28, 2006 and March 1, 2007). (Second, Category V)	\$1,485 CIVIL PENALTY - OR - 9-DAY SUSPENSION <u>AGGRAVATION</u> The violation occurred on more than one occasion.
2. Jade Peace, Inc. Bong Chen, Pres/Stkhldr Hong Ying Wu, Sec/Stkhldr JADE GARDEN (FCOM) 3400 River Road N Keizer OR 97303 (24-39341-FCOM)	OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Hong Ying Wu failed to verify the age of an OLCC minor decoy before allowing her to buy or be served alcohol when she reasonably appeared to be under 26 years of age (March 30, 2007). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION (Licensee paid the \$1,980 civil penalty on June 5, 2007.) <u>AGGRAVATION</u> Corporate Principal Hong Ying Wu participated in the violation.
3. Ethel M. Combs Norman R. Combs THE GENERAL STORE (O) 21338 Highway 99E NE Aurora OR 97002 (24-09741-O)	OAR 845-006-0335 (1)(a)(b)(c) - Licensees' employee Moriah Light 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 (March 30, 2007). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION (Licensees paid the \$1,980 civil penalty on June 25, 2007.) <u>AGGRAVATION</u> Licensees have 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 the current violation.

4. Wildwood Golf Course, Inc.
William Frances O'Meara, Pres/Stkhldr
Kay Denise O'Meara, Sec/Stkhldr
WILDWOOD GOLF COURSE (L)
21881 NW St. Helens Road
Portland OR 97231
(24-20457-L)

ORS 471.360 (1)(b) - Licensee permitted employee Barry Larson to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about September 4, 2006 to about March 28, 2007).

(Second, Category III)

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

(Licensee paid the \$1,650 civil penalty on June 5, 2007.)

AGGRAVATION

Barry Larson worked for over six months without a valid service permit.

MITIGATION

1. The violation was charged at the first level because it was discovered concurrently with the violation for failing to verify the age of a minor that occurred on March 28, 2007.
2. Licensee has a lengthy record of compliance with the Commission.

5. Kwan Jin Ahn
AURORA COLONY MARKET (O)
21637 Highway 99E
Aurora OR 97002
(24-02924-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee 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 (March 30, 2007).

(First, Category III)

\$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION

AGGRAVATION

Licensee personally committed this violation.

MITIGATION

Licensee has purchased and will use Age Verification Equipment in accordance with OAR 845-009-0140.

6. JB Glade, LLC
Jae Hyuk Yang, Managing Member
Su Hyun Yang, Member
HELEN'S MARKET (O)
2 NW Broadway
Portland OR 97209
(26-39047-O)

OAR 845-006-0335 (1)(a)(b)(c) - Managing Member Jae Hyuk Yang 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 (March 28, 2007).

(First, Category III)

\$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION

AGGRAVATION

Managing Member Jae Hyuk Yang personally committed this violation.

MITIGATION

Licensee has purchased and will use Age Verification Equipment in accordance with OAR 845-009-0140.

7. Linda Hancock
THE GENERAL STORE ON 1ST STREET (O)
207 North 1st Street
Silverton OR 97381

OAR 845-006-0335 (1)(a)(b)(c) - Licensee failed to verify the ages of two minors before allowing them to buy or be served alcohol when they reasonably appeared to be under 26 years of age

\$2,970 CIVIL PENALTY - OR - 18-DAY SUSPENSION

AGGRAVATION

1. Licensee personally committed this violation.
2. Licensee sold alcohol to one of the minors on multiple

(24-40215-O)

(April 27, 2007).

(First, Category III)

8. Blackbird Enterprises LLC
Richard A. Kluk, Member
RUMOR'S BAR & GRILL (FCOM)
327 N Pacific Highway
Woodburn OR 97071
(24-02288-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee Tiffiney Endicott
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
(March 30, 2007).

(Third, Category III)

occasions.

3. The violation involved two minors.
4. The General Store on 1st Street has the reputation of selling alcohol to minors.

32-DAY LICENSE SUSPENSION

AGGRAVATION

Licensee has previously been allowed to purchase age verification equipment as a full offset to a penalty for failing to verify the age of a minor. Licensee's employee failed to use the age verification equipment to prevent this violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

9. Marriott Hotel Services, Inc.
Robert J. McCarthy, President
Kevin Kimball, Vice President
Terri L. Turner, Secretary
Carolyn Handlon, Treasurer
Marriott International, Inc., Stockholder
**PORTLAND MARRIOTT DOWNTOWN
WATERFRONT (FCOM)**
1401 SW Front
Portland OR 97201
(26-08390-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees Cody Raymond, Chris Streinz, Josefina Escutia and Judit Leon to sell, mix, or serve alcoholic beverages, or supervise those who do, without having valid service permits (varying lengths of time from about May 26, 2006 to about February 10, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated May 16, 2007. The proposed sanction, considering aggravation and mitigation, was a \$2,640 civil penalty or a 16-day suspension. Licensee requests to enter into this Settlement Agreement.

AGGRAVATION

1. Four employees were involved in the violation.
2. Judit Leon worked for over six months without a valid service permit.

MITIGATION

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

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated May 16, 2007. 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 Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty and added eight days of aggravation because four employees were working without service permits, one of whom worked for over six months without a service permit, and mitigated the sanction two days for lengthy record of compliance, for a total sanction of a 16-day suspension or a civil penalty of \$2,640.00.
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 \$2,145.00 by 5:00 PM on July 26, 2007 **or** serve a 13-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on August 13, 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 July 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

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)

OAR 845-006-0335 (3)(b) - Licensee's employees permitted a minor be on the licensed premises or an area of the licensed premises prohibited to minors (February 10, 2007).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated March 23, 2007. The proposed sanction, considering aggravation, was a \$1,485 civil penalty or a nine-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Licensee received three verbal instructions within the past two years regarding permitting minors in prohibited areas.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated March 23, 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.
2. The Commission's Public Safety Program originally proposed the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty and added two days for aggravation because Licensee has received prior warning regarding permitting minors in areas prohibited to minors, for a total of a nine-day suspension or \$1,485.00 civil penalty.
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 \$1,155.00 by 5:00 PM on July 26, 2007 **or** serve a seven-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on August 7, 2007.
5. Licensee withdraws the request for 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 July 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. Voodoo Lounge, LLC
Mark Byrum, Managing Member
Daniel W. Dickerson, Member
VOODOO LOUNGE (FCOM)
53 NW First Avenue
Portland OR 97209
(26-37303-FCOM)

Violation Number One

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 of the establishment in the immediate vicinity of the premises.

From April 10, 2005 to May 21, 2006, there were 29 reported incidents either in the premises or involving patrons of the establishment in the immediate vicinity of the premises. The incidents included physical altercations involving fighting, kicking, punching, biting and stabbing as well as verbal assaults. Knives, glasses and bottles were used as weapons. Patrons, police officers and premises staff have sustained injuries as a result of these incidents, and some incidents have resulted in damage to property. Portland Police Bureau officers have feared for their safety because of the large fights and menacing crowds. Numerous incidents involved public drunkenness. One incident involved a noise complaint.

(First, Category I)

Violation Number Two

ORS 471.360 (1)(b) - Licensee permitted Managing Member Mark Byrum to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission (from about January 17, 2006 to about March 1, 2006).

(Fourth, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated July 27, 2006. The proposed sanction was license cancellation. 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 violations as set out in the Notice of Proposed License Cancellation. Violation Number One was Licensee's first Category I violation. Any subsequent violation of this type within the same two-year period will be charged at the second level. Violation Number Two was Licensee's fourth Category III violation. Any subsequent violation of this type within the same two-year period will be charged at the fourth level because two prior Category III violations were each charged at the same level.
2. Within 30 days of ratification of this agreement, Licensee will close Voodoo Lounge and after remodeling will reopen with a new venue named Bubbles and Blue that will emphasize fine dining.
3. Licensee will accept the following restrictions to the license:
 1. Licensee shall stop the sale, service and consumption of alcohol no later than 1:00 AM.
 2. Licensee shall not allow any patron to have more than one drink for personal consumption at one time. A drink is defined as no more than 16 oz. of a malt beverage, 6 oz. of wine, or 2 oz. of distilled spirits except that Licensee may allow the sale of a bottle of wine per two or more patrons.
 3. Licensee will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), at every point of entry except the entry from the patio and will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age.
 4. The gate to the patio from the street will be equipped with a fire alarm and used by the public only as a means of emergency egress. Licensee will fence its section of the patio and will restrict that area to its own patrons.
 5. Licensee will have a minimum of three DPSST-certified security persons on duty from 10:00 PM to closing every Friday and Saturday night.
 6. No disc jockey (DJ) entertainment more than four days per calendar month. Licensee will provide to the OLCC the date of the DJ entertainment and the name of the DJ at least seven days in advance of the entertainment.
4. The Commission agrees to remove Restriction No. 1 after the Licensee has operated under the new venue for six months with no violations charged by the OLCC. Until Restriction No. 1 is removed, Licensee may request relaxation of the closing time for up to four occasions which are subject to approval by OLCC staff. Licensee will submit such requests for relaxation of the closing time at least seven days in advance of the occasion.
5. Licensee will not request other modifications of any restriction until Licensee has operated under the new venue a minimum of one year.
6. Licensee will pay a \$9,900.00 civil penalty before 5:00 PM on July 26, 2007 **or** serve a 60-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on September 29, 2007.
7. Licensee withdraws the request for a hearing.
8. The Commission agrees to renew Licensee's 2007 license subject to the restrictions stated above.
9. 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.

10. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 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. Masoud Aria
Storai Aria
**TESORO MOE'S PAYLESS FOOD-
MART (O)**
516 SW 5th Street
Redmond OR 97756
(09-37828-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensees' employee Mary Elizabeth
Selken 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
(September 16, 2006).

(First, Category III)

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

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
Notice dated December 12, 2006. The proposed
sanction was Removal from the Responsible
Vendor Program and a \$1,650 civil penalty or a
10-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 Notice of Removal from Responsible Vendor Program and Proposed License Suspension/Civil Penalty. This was Licensees' 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.
3. Licensees have 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 appears to be under 26 years of age in lieu of the 10-day suspension or \$1,650.00 civil penalty. Licensees will run all alcohol sales through the register at which the age verification equipment is installed.
4. Licensees will be removed from the Responsible Vendor Program. Licensees may reapply for the program one year after this violation is ratified.
5. Licensees withdraw the request for a hearing.

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 July 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. Roxanne, Inc.
Robert McInturff, President
Roxanne McInturff, Secretary/Treasurer
THE RAINBOW MARKET (O)
Warm Springs Star Route
Madras OR 97741
(19-05696-O)

OAR 845-009-0145 (5) - Licensee failed to respond by submitting the mandatory clerk training form (November 20, 2006).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by OLCC Violation Notice No. 8267 dated January 3, 2007. The proposed sanction, after the fast track deadline, was a \$1,155 civil penalty or a 7-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 January 3, 2007. 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 Commission's Public Safety Program 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. Licensee will pay a civil penalty of \$825.00 by 5:00 PM on July 26, 2007 **or** serve a five-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on August 5, 2007. [Licensee's \$825.00 payment was received on July 5, 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 July 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

14. Benke Foods, Inc.
Gary Benke, President
Lorraine Benke, Vice President
7-ELEVEN STORE #2352-17916A (O)
3160 NW 185th Avenue
Portland OR 97229
(34-03289-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee's employee Amy Wickersham
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
(March 24, 2007).

(First, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of this violation.
Because aggravating
circumstances were involved 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).

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Amended Notice dated May 25, 2007. The
proposed sanction, considering aggravation, was
removal from the Responsible Vendor Program
and a \$1,980 civil penalty or a 12-day
suspension. Licensee requests 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 the current
violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Suspension/Civil Penalty and Removal from the Responsible Vendor Program. 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. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because Licensee has previously been allowed to purchase age verification equipment for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the current violation, for a total of a 12-day suspension or a \$1,980.00 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 \$1,485.00 civil penalty before 5:00 PM on July 26, 2007 **or** serve a nine-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on August 9, 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 July 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

15. Quick Way Market, Inc.
Vicki S. Jensen, President
QUICK WAY MARKET (O)
690 NE Butler Market Road
Bend OR 97701
(09-20759-O)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Debra Perlatti failed to verify the age of an OLCC minor decoy before allowing him to buy or be served alcohol when he reasonably appeared to be under 26 years of age (March 9, 2007).

(First, Category III)

Note: Licensee was a member of the Responsible Vendor Program at the time of this violation. Because Licensee did not have all of the Responsible Vendor 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

OAR 845-009-0130 (2), (5) - Licensee allowed employee Debra Perlatti to sell alcoholic beverages without having her first read, sign and date the Commission-provided brochure and/or failed to maintain a record of the signed brochure on the licensed premises (March 9, 2007).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated May 2, 2007. The proposed sanction, considering aggravation, was removal from the Responsible Vendor Program and a \$3,135 civil penalty or a 19-day 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 the current violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violation Number One as set out in the Notice of Removal from Responsible Vendor Program and Proposed License Suspension/Civil Penalty dated May 2, 2007. 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 Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty for Violation Number One 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 12-day suspension or a civil penalty of \$1,980.00. Staff proposed the standard sanction of a 7-day suspension or \$1,155.00 civil penalty for Violation Number Two.
3. The Commission's Public Safety Program will reduce the sanction of Violation Number One by three days. This is equivalent to a 30% reduction of the standard sanction.
4. The Commission's Public Safety Program withdraws the charge for Violation Number Two. Licensee will accept a Notice of Warning for this incident.
5. Licensee is removed from the Responsible Vendor Program. Licensee may reapply one year after the ratification of this Agreement.
6. Licensee will pay a civil penalty of \$1,485.00 by 5:00 PM on July 26, 2007 **or** serve a nine-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on August 9, 2007.
7. Licensee withdraws the request for a hearing in this matter.
8. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 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

16. M & R Investments, LLC
Mina Khamphilavong, Member
Ronald Toole, Member
MINA'S AT MCNARY (FCOM)
165 McNary Estates Drive
Keizer OR 97303
(24-11012-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Vanessa Throngrивong to sell, mix or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about November 2006 to about February 5, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated April 30, 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/Civil Penalty on April 30, 2007. 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 Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or civil penalty of \$1,650.00.
3. The Commission will reduce the sanction by four days. This is equivalent to a 40% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$990.00 by 5:00 PM on July 26, 2007 **or** serve a six-day suspension beginning at 7:00 AM on July 31, 2007 and ending at 7:00 AM on August 6, 2007.
5. At the time of the violation, the licensee included Mina Khamphilavong, Member, and Ronald Toole, Member of M & R Investments, LLC. Because Ronald Toole is no longer a member of the LLC, and no longer holds an interest in the liquor license, the Public Safety Program will issue a Letter of Reprimand to Ronald Toole for the violation.
6. Licensee withdraws the request for a hearing.
7. 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 the Licensee's Commission file and may be considered in any future application for a liquor license by the Licensee.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.