

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

December 13, 2007

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Brian Longerbeam 7-ELEVEN STORE #2353-20397F (O) 1008 NW Galveston Bend OR 97701 (09-07082-O)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Jacob Curtis 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 (July 27, 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).	\$2,310 CIVIL PENALTY - OR - 14-DAY SUSPENSION AND REMOVAL FROM RESPONSIBLE VENDOR PROGRAM <u>AGGRAVATION</u> 1. The minor was under the age of 18 years at the time of the violation. 2. Jacob Curtis sold to the minor on multiple occasions.
2. La Vida Enterprises, Inc. Ana Cabrera, President/Stockholder EL TACO LOCO (FCOM) 4607 SE Boardman Milwaukie OR 97267 (03-25421-FCOM)	ORS 471.360 (1)(b) - Licensee permitted employees Ana Cabrera and Victor Moran to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about April 27, 2005 to about August 31, 2007).	\$2,310 CIVIL PENALTY - OR - 14-DAY SUSPENSION <u>AGGRAVATION</u> 1. Corporate Principal Ana Cabrera was personally involved in this violation. 2. Ana Cabrera and Victor Moran each worked for over six months without a valid service permit.

(First, Category III)

MITIGATION

Licensee has a lengthy record of good compliance.

3. Leisure Sports, Inc.
Steven Gilmour, Pres/Dir/Stkhldr
Patrick O'Brien, Sec/Dir/Stkhldr
Jim Low, Stkhldr
CLUBSPORT OREGON (L)
18120 SW Lower Boones Ferry Road
Tigard OR 97224
(34-25190-L)

ORS 471.360 (1)(b) - Licensee permitted employees Danne Wilson and Cassidy Barlean to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about November 6, 2005 to about August 14, 2007).

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

(Licensee paid the \$1,980 civil penalty on November 8, 2007.)

AGGRAVATION

1. Two employees were involved in the violation.
2. Cassidy Barlean did not have a valid service permit for over six months.

MITIGATION

Licensee has a lengthy history of compliance with the Commission.

4. Hilton's Haven, Inc.
Rudd McGarity, Pres/Stkhldr
Jeannette McGarity, Sec/Treas/Stkhldr
HILTON'S HAVEN (O)
21415 SE Stark Street
Gresham OR 97030
(26-35259-O)

OAR 845-009-0145 (5)(c) - Licensee failed to notify the Commission that employee Justin Elwood had completed a Commission-approved training course or was no longer employed by the Licensee after he failed to properly verify the identification of a minor on March 28, 2007 (between June 22 and July 17, 2007).

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

AGGRAVATION

Licensee received a Letter of Warning on July 2, 2007 regarding notice and reporting requirements for clerk training.

(First, Category IV)

5. Louis E. Candamo
AMAZON CAFÉ (FCOM)
208 NW Couch Street
Portland OR 97209
(26-36191-FCOM)

Violation Number One

OAR 845-006-0345 (1) - Licensee was under the influence of intoxicants while on duty at the licensed premises (June 7, 2007).

LICENSE CANCELLATION

AGGRAVATION

1. Licensee Louis Candamo was personally involved in Violation Numbers One and Two.
2. Licensee Louis Candamo made efforts to conceal Violation Number One.
3. More than one person was involved in Violation Number Four.

(First, Category II)

Violation Number Two

OAR 845-006-0345 (4)(a) - Licensee told Portland Police Bureau officers to leave the licensed premises before police had the opportunity to conduct a reasonable search to ensure compliance with liquor laws (June 7, 2007).

(Second, Category II)

Violation Number Three

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 (June 15, 2007).

(Third, Category V)

Violation Number Four

OAR 845-006-0347 (3) - Licensee permitted unlawful activity when employees Juan Sanchez and Clifton King provided private security services as private security professionals at Amazon Café without being certified to do so under ORS 181.878 in violation of ORS 181.991 (1)(b) (June 30, 2007).

(Second, Category III)

6. J. Reeder Holding Company
Marcelino M. Garcia, Pres/Stkhldr
SEA BASKET (L)
63502 Kingfisher Drive
Charleston OR 97420
(06-04071-L)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employees Elizabeth Uribe and Terri Wedwick 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 (June 26, 2007).

MITIGATION

1. Violation Numbers One and Two were each charged at the first level because they were discovered concurrently.
2. Violation Number Three was charged at the second level because Licensee's first two violations of this type were each charged at the first level.

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

AGGRAVATION

Two employees participated in Violation Number One.

MITIGATION

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

(Second, Category IIIa)

Violation Number Two

ORS 471.482 (1) - Licensee's employee Elizabeth Uribe, age 15, took orders for, sold or served alcohol on the licensed premises (June 26, 2007).

(First, Category IV)

7. Benjarong Thai, Ltd.
Charles Garver, Jr., Pres/Stkhldr
Suda Garver, Sec/Treas/Stkhldr
BEAU THAI RESTAURANT (L)
730 NW 21st
Portland OR 97209
(26-07636-L)

ORS 471.360 (1)(b) - Licensee permitted Suda Garver to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about April 19, 2006 to about September 12, 2007).

(First, Category III)

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

(Licensee paid the \$2,310 civil penalty on November 23, 2007.)

AGGRAVATION

1. Corporate Principal Suda Garver was personally involved in this violation.
2. Suda Garver worked for over six months without a valid service permit.

8. BDE, LLC
Mike McKennedy, Managing Member
David Morgan, Member
TUBE BDE (FCOM)
18 NW 3rd Avenue
Portland OR 97209
(26-35870-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees Brian Coffelt and Michael Heiges to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about June 2007 to about October 5, 2007).

(First, Category III)

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

(Licensee paid the \$1,650 civil penalty on November 19, 2007.)

AGGRAVATION

Two employees were involved in this violation.

MITIGATION

Licensee has a lengthy record of good compliance.

9. Double Dolphin, Inc.
Dean MacBale, Pres/Sec/Treas/Stkhldr
DOLPHIN SEAFOOD & STEAKS (FCOM)
17180 SE McLoughlin Blvd.
Milwaukie OR 97267
(03-19599-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employee Prince Heys to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about February 2006 to about August 31, 2007).

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

AGGRAVATION

Prince Heys worked for over six months without a valid service permit.

(First, Category III)

MITIGATION

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

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

AGGRAVATION

1. Two persons were involved in the violation.
2. Corporate Principal Karl Seid was personally involved in the violation.
3. Karl Seid worked for over six months without a valid service permit.

MITIGATION

Licensee has a lengthy record of good compliance.

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

AGGRAVATION

1. Two persons participated in the violation.
2. Both persons are Licensees.

MITIGATION

Licensee has a lengthy record of good compliance.

10. Karhing, Inc.
 Karl Seid, Pres/Stkhldr
 Helen Seid, VP/Sec/Treas/Stkhldr
MAI WAH RESTAURANT (FCOM)
 18088 SE McLoughlin Blvd.
 Milwaukie OR 97267
 (03-02124-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees Shelley Catlin and Karl Seid to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about March 24, 1998 to about August 31, 2007).

(First, Category III)

11. Narciso Lopez
 Rosa Lopez
SEÑOR LOPEZ RESTAURANTE & TAQUERIA (L)
 3075 E Street
 Hubbard OR 97032
 (24-36642-L)

OAR 845-006-0335 (1)(a)(b)(c) - Licensees Narciso and Rosa Lopez 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 2, 2007).

(First, Category III)

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

12. Hee Sung Oh
Byung Kim
BILL'S MARKET (O)
293 Bridge Street
Lafayette OR 97127
(36-03454-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Hee Sung Oh 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 20, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
Notice dated September 11, 2007. The proposed
sanction, considering aggravation, was a \$2,310
civil penalty or a 14-day suspension. Licensees
request to enter into this Settlement Agreement.

AGGRAVATION

1. Licensee Hee Sung Oh personally committed this violation.
2. Licensees were allowed to purchase age verification equipment as an 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 violation.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This violation was Licensees' first Category III violation. 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 10-day suspension or \$1,650.00 civil penalty and added four days for aggravation because Licensee Hee Sung Oh personally committed this violation and because Licensees have previously been allowed to purchase age verification equipment as an offset to a penalty for failure to verify the age of a minor and the age verification equipment was not used to prevent the current violation, for a total sanction of a 14-day suspension or a \$2,310.00 civil penalty.
3. The Commission will reduce the standard sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a \$1,815.00 civil penalty before 5:00 PM on December 24, 2007 or serve an 11-day suspension beginning at 7:00 AM on December 29, 2007 and ending at 7:00 AM on January 9, 2008.
5. 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.

6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensees' hearing rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

13. The Wine Shack, Inc.
Dean Reiman, Pres/Sec/Stkhldr
Patricia Boggess, VP/Treas/Stkhldr
THE WINE SHACK (O)
124 N Hemlock
Cannon Beach OR 97110
(04-02750-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Corporate Principal Dean Reiman failed
to verify the age of a Seaside Police
Department minor decoy before allowing
the decoy to buy or be served alcohol
when she reasonably appeared to be
under 26 years of age (August 10, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated October 22, 2007. The proposed
sanction, considering aggravation and mitigation,
was a \$1,650 civil penalty or a 10-day
suspension. Licensee requests to enter into this
Settlement Agreement.

AGGRAVATION

Corporate Principal Dean Reiman was personally involved
in the violation.

MITIGATION

Licensee has a lengthy history of 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. 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 Public Safety Program staff originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty, added two days of aggravation because Corporate Principal Dean Reiman was personally involved in the violation, and mitigated the sanction two days because Licensee has a lengthy history of compliance with the Commission, for a total of a 10-day suspension or \$1,650.00 civil penalty.
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 civil penalty of \$1,155.00 by 5:00 PM on December 24, 2007 or serve a seven-day suspension beginning at 7:00 AM on December 29, 2007 and ending at 7:00 AM on January 5, 2008.
5. 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.

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

14. Wu Yong Yuan
Susan Yeung
LUCKY LOUNGE CHINESE FOOD
(FCOM)
562 4th Street
Gervais OR 97026
(24-23649-FCOM)

OAR 845-006-0426 - Licensees failed to maintain staff on the licensed premises who were able to communicate effectively with Commission regulatory employees during business hours (July 19, 2007).

(Third, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by Notice dated October 11, 2007. The proposed sanction was a 30-day license suspension. Licensees request to enter into this Settlement Agreement.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension dated October 11, 2007. This was 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 Public Safety Program staff originally proposed the standard sanction of a 30-day mandatory suspension.
3. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will serve a 21-day suspension beginning at 7:00 AM on December 29, 2007 and ending at 7:00 AM on January 19, 2008.
5. If Licensee's 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 Licensees.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensees' hearings rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

15. Robert Carnahan
Michael Carnahan
THE RIVER CITY SALOON (FCOM)
207 Cascade Avenue
Hood River OR 97031
(14-35660-FCOM)

Violation Number One
ORS 471.360 (1)(b) - Licensee permitted Shawn Robarts to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission (from about September 24, 2006 to about May 1, 2007).

(First, Category III)

Violation Number Two
OAR 845-006-0345 (1) - Licensee's employee Jay Slack consumed alcohol while on duty (July 7, 2007).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with Violation Number One by Notice dated August 10, 2007. Licensees were charged with Violation Number Two by OLCC Violation Notice No. 08405 issued August 16, 2007. The proposed combined sanction, considering aggravation and mitigation, was a \$6,600 civil penalty or a 40-day suspension. Licensees requested hearings on both violations and now withdraw those requests to enter into this Settlement Agreement.

AGGRAVATION

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

MITIGATION

Licensee has a lengthy record of compliance with the Commission.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty and the OLCC Violation Notice. These were the Licensee's first and second Category III violations 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 10-day suspension or \$1,650.00 civil penalty for the first violation and added two days for aggravation because an employee worked for over six months without a valid service permit, and mitigated the sanction two days because Licensees have a lengthy record of compliance, for a total sanction of a 10-day license suspension or \$1,650.00 civil penalty. The Public Safety Program proposed a 30-day suspension or \$4,950.00 civil penalty for the second violation. The combined sanction was a 40-day suspension or \$6,600.00 civil penalty.
3. The Commission's Public Safety Program will reduce the sanction by thirteen days.
4. Licensees will pay a civil penalty of \$4,455.00 by 5:00 PM on December 24, 2007 or serve a 27-day suspension beginning at 7:00 AM on December 29, 2007 and ending at 7:00 AM on January 25, 2008.

5. Licensees withdraw the requests for 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 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 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.