ADMINISTRATIVE POLICY & PROCESS DIVISION

VIOLATION CASES TO BE RATIFIED BY COMMISSION

November 19, 2007

LICENSEE/PERMITTEE	VIOLATION	SANCTION & COMMENTS
1. Debbie Sue Owens Daryl Clark Owens **DEBBIE SUE'S CAFÉ** (FCOM) 1555 NE 3rd Prineville OR 97754 (07-38429-FCOM)	OAR 845-006-0335 (1)(a)(b)(c) - Licensees' employee Monica Coonse 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 (June 15, 2007). (First, Category III)	**$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION** 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. Employee Coonse did not use the age verification equipment to prevent this violation.
2. Carol A. Stone Marvin L. Andersen **ALL STAR SPORT BAR** (FCOM) 716 Main Street Oregon City OR 97045 (03-22414-FCOM)	Violation Number One OAR 845-006-0466 (4) - Licensees' employee George Harrah discouraged food service when he told inspectors the premises was not serving any food (June 22, 2007). (First, Category III) Violation Number Two OAR 845-006-0460 (5) - Licensees failed to have two employees on duty during the regular meal period, one of which is primarily a cook (June 22, 2007). (Second, Category III)	**LETTER OF REPRIMAND** Note: Because Licensees surrendered their liquor license effective July 12, 2007, and therefore no longer hold a liquor license, the Public Safety Program recommends the Commission issue Licensees a Letter of Reprimand. 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. MITIGATION Violations Number One and Two were charged at the first level because they were discovered and charged concurrently.

	Violation Number Three OAR 845-006-0480 (3)(b) - Licensees failed to notify the Commission in writing before substantially reducing the meal service hours last approved by the Commission (June 22, 2007). (First, Category V)	
3. New York Richie's, LLC Richard Brose, Managing Member **NEW YORK RICHIE'S** (L) 10303 West 1st Street Island City OR 97850 (31-38353-L)	ORS 471.360 (1)(b) - Licensee permitted employees Jessica Glover and Sandy Smith to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about January 2007 to about July 18, 2007). (First, Category III)	**$2,310 CIVIL PENALTY - OR - 14-DAY SUSPENSION** AGGRAVATION 1. Two employees were involved in this violation. 2. Sandy Smith worked over six months without a valid service permit.
4. Adam Villa Maria Villa **LUPITA'S TACOS** (L) 312 Ferry Street Dayton OR 97114 (36-27000-L)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Maria Villa failed to verify the age of a Yamhill 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 (July 20, 2007). (First, Category III)	**$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION** AGGRAVATION Licensee Maria Villa personally committed this violation. MITIGATION Licensees have a lengthy record of good compliance.
5. Elizabeth A. Carrow John M. Lindstedt **GERONIMO GRILL** (FCOM) 1849 Willamette Falls Drive West Linn OR 97068 (03-20857-FCOM)	OAR 845-006-0365 (1) - Checks were issued to a wholesale licensee for alcohol products. The checks were returned for non-sufficient funds (March 23, 2007 and April 6, 2007). (First, Category V)	**$825 CIVIL PENALTY - OR - 5-DAY SUSPENSION** AGGRAVATION Multiple checks were returned for non-sufficient funds.

6. US Food Mart, Inc.
Malkiat S. Bains, Pres/Stkhldr
Nanak Singh, Sec/Treas/Stkhldr
US FOOD MART (O)
4700 SE Highway 101
Lincoln City OR 97367
(21-04831-O)

OAR 845-006-0335 (1)(a)(b)(c) - Corporate Principal Nanak Singh 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 (May 17, 2007).

(First, Category III)

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

(Licensee paid the $2,310 civil penalty on October 22, 2007.)

AGGRAVATION

1. Corporate Principal Nanak Singh was personally involved in the violation.
2. 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. Corporate Principal Nanak Singh failed to use the age verification equipment to prevent this violation.

7. **KYLE ATKINSON DOLAN**
Service Permit #269368

Employed at: **FRATELLO'S** (FCOM)
310 N Water Street
Silverton OR 97381
(24-41170-FCOM)

Note: The Licensee was also charged with this violation by Notice dated September 18, 2007. Licensee has requested a hearing.

ORS 471.410 (2) - Service Permittee Kyle Dolan knowingly sold, gave or otherwise made alcohol available to three persons under the age of 21. Permittee Dolan is not the parent or guardian of the three minors (December 26, 2006).

(First, Category III)

$400 CIVIL PENALTY - OR - 16-DAY SUSPENSION

AGGRAVATION

Three minors were involved in the violation, one of whom was a juvenile.

8. Veronica Percifield
THE TURNAROUND MARKET (O)
1 Broadway
Seaside OR 97138
(04-36567-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee Veronica Percifield failed to verify the age of two Seaside Police Department minor decoys before allowing the decoys to buy or be served alcohol when both reasonably appeared to be under 26 years of age (August 10, 2007).

(First, Category III)

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

AGGRAVATION

Licensee Percifield personally committed this violation.

9. **JUDITH M. HILLMAN**
Service Permit #262619

Employed at: **TOP OF THE HILL TAVERN** (L)
9252 NE Glisan
Portland OR 97220
(26-10238-L)

Note: The Licensee and another Service Permittee, Bernadette Craig, were also charged with this violation by Notice dated October 2, 2007. Both Licensee and Permittee Craig have requested a hearing.

OAR 845-006-0347 (2)(a) - Service Permittee Judith Hillman permitted disorderly activity on the licensed premises when she engaged in a verbal and physical argument with employee Bernadette Craig (April 12, 2007).

(First, Category III)

$300 CIVIL PENALTY - OR - 12-DAY SUSPENSION

AGGRAVATION

Permittee Hillman was personally involved in the disorderly activity.

10. Northwest Investments Unlimited Corp.
Benton Anderson, Pres/Dir/Stkhldr
Jeff Skeeters, Treas/Dir/Stkhldr
IDANHA COUNTRY STORE & DELI (O)
183 N Santiam Highway
Idanha OR 97350
(24-35445-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Elizabeth Vaughn 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 (June 15, 2007).

(First, Category III)

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

AGGRAVATION

Licensee was previously allowed to purchase age verification equipment as a full offset to a penalty for failing to verify the age of a minor. Employee Vaughn failed to use the age verification equipment to prevent this violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

11. Glenda Moore, Inc.
    Glenda Moore, President
    BLUE PARROT SALOON (FCOM)
    3416 N Lombard
    Portland OR 97217
    (26-00633-FCOM)

Violation Number One
OAR 845-006-0468 (1) - Licensee failed to have minimum food available in all areas (May 25, 2006).

(First, Category III)

Violation Number Two
OAR 845-006-0347 (2)(a) - Licensee's employee, Michele Derryberry, permitted disorderly activity on the licensed premises and in areas the licensee controls that are adjacent to or outside the premises when a patron locked other patrons inside the premises and then fired a gun outside the licensed premises (October 5, 2006).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with Violation Number One by Fast Track Violation Notice No. 09807, dated December 1, 2006. Licensee was charged with Violation Number Two by Amended Notice of Proposed License Suspension/Civil Penalty dated August 8, 2007. The proposed sanction for the two violations was a 42-day suspension **or** a $6,600 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

Commission Staff issued verbal instructions regarding disorderly activity at the licensed premises on December 27, 2005; April 12, 2006; May 25, 2006 and September 15, 2006.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the OLCC Violation Notice and the Amended Notice of Proposed License Suspension/Civil Penalty. 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. The Public Safety Program proposed a 30-day suspension or a $4,950.00 civil penalty for the second violation, and added two days for aggravation because the Licensee received multiple verbal instructions for disorderly activity, 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. The combined sanction was a 42-day suspension or $6,600.00 civil penalty in lieu of 40 days with the remaining two days of the suspension mandatory.

3. The Commission's Public Safety Program will reduce the sanction by twelve days. This is equivalent to a 30% reduction of the standard sanction.

4. Licensee will pay a civil penalty of $4,950.00 by 5:00 PM on November 29, 2007 **or** serve a 30-day suspension beginning at 7:00 AM on December 1, 2007 and ending at 7:00 AM on December 31, 2007.

5. Licensee withdraws its requests for a hearing.

6. If Licensee's interest in the license expires before the Commission issue a final order on these allegations, Licensee agrees to accept a Letter of Reprimand for these violations. 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 November 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

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

Violation Number One
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 (August 19 and August 23, 2006).

(First, Category V)

Violation Number Two
OAR 845-007-0015 (1)(a) - Licensee posted and passed out handbills on publicly-owned property that publicized the trade name of the licensee together with words referring to alcoholic beverages (August 19, 2006).

(Second, Category V)

Violation Number Three
OAR 845-006-0347 (3) - Licensee permitted unlawful activity when employees Gregory Richard and Michael Ferrell provided private security services as private security professionals at the licensed premises without being certified to do so under ORS 181.878 in violation of ORS 181.991(1)(b) (September 24, 2006).

(First, Category III)

Violation Number Four
OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employees, agents or representatives Myelzac Barrow and/or Dianna Ascencio failed to verify the age

SETTLEMENT AGREEMENT

Note: Licensee was charged with Violation Numbers One and Two by Notice dated October 27, 2006; Violation Number Three by Notice dated January 17, 2007; and Violation Numbers Four and Five by Amended Notice dated June 13, 2007. The combined sanction for all five violations, considering aggravation and mitigation, was a $7,425 civil penalty or a 45-day suspension. Licensee requested hearings on these violations, but now wishes to withdraw those requests to enter into this Settlement Agreement.

AGGRAVATION

Violation Number One
This violation occurred on more than one occasion.

Violation Number Three
1. Licensee received prior warning on July 22, 2006 regarding DPSST certification requirements.
2. More than one employee was engaged in unlawful activity.

Violation Number Five
This violation involved two minors and three employees.

MITIGATION

Violation Numbers One and Two were both charged at the first level because they were discovered concurrently.

of a minor before allowing her to be in an area of the licensed premises that is prohibited to minors (December 10, 2006).

(First, Category IV)

Violation Number Five
OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employees, agents, or representatives Jason Silcox, James Barker and Aquiles Montas, failed to verify the ages of two minors before allowing them to be in an area of the licensed premises that is prohibited to minors (March 24, 2007).

(Second, Category IV)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notices dated October 27, 2006, January 17, 2007, and June 13, 2007. These were the Licensee's first and second Category V violations, first Category III violation, and first and second Category IV violations. Because the Category V violations were charged concurrently, any subsequent violation of this type within the same two-year period will be charged at the second level. Any subsequent Category III violation within the same two-year period will be charged at the second level. Any subsequent Category IV violation within the same two-year period will be charged at the third level.

2. For the two Category V violations, the Commission's Public Safety Program originally proposed the standard sanction of a three-day suspension or $495.00 civil penalty for each violation and added two days for aggravation because one of the violations occurred on more than one occasion, for a total of an eight-day suspension or civil penalty of $1,320.00.

3. For the Category III violation, 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 the violation involved more than one employee and the Licensee received prior warning, for a total penalty of a 14-day suspension or a $2,310.00 civil penalty.

4. For the two Category IV violations, the Public Safety Program originally proposed the standard sanction of a seven-day suspension or $1,155.00 civil penalty for the first violation and a 10-day suspension or $1,650.00 civil penalty for the second violation and added six days for aggravation, because two minors and three employees were involved in the violation, for a total penalty of a 23-day suspension or $3,795.00 civil penalty.

5. The combined sanction for these violations was a 45-day suspension or $7,425.00 civil penalty. The Commission's Public Safety Program will reduce the sanction by 10 days. This is equivalent to a 30% reduction of the standard sanction. The Public Safety Program will also withdraw the two days for aggravation charged in the Category V violations.

6. Licensee will pay a civil penalty of $5,445.00 by 5:00 PM on November 29, 2007 **or** serve a 33-day suspension beginning at 7:00 AM on December 4, 2007 and ending at 7:00 AM on January 6, 2008.

7. Licensee withdraws his request for a hearing.

8. 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 these violations. 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 November 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. Broken Spoke Investment Corporation
Robert Dominic, Pres/Sec/Stkhldr
Sherri Dominic, VP/Treas/Stkhldr
GLADSTONE CARD ROOM (L)
420 Portland Avenue
Gladstone OR 97027
(03-02592-L)

ORS 471.360 (1)(b) - Licensee permitted employee Sherree Landis to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission (from about November 4, 2003 to about August 24, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated September 28, 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

Sherree Landis worked for over six months without a valid service permit.

MITIGATION

Licensee has a lengthy record of good compliance.

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 originally proposed the standard sanction of a 10-day suspension or a $1,650.00 civil penalty and subtracted two days for mitigation because Licensee has a lengthy record of good compliance and added two days for aggravation because Sherree Landis worked for over six months without a valid service permit, for a total of a 10-day suspension or a $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 $1,155.00 civil penalty before 5:00 PM on November 29, 2007 **or** serve a seven-day suspension beginning at 7:00 AM on December 4, 2007 and ending at 7:00 AM on December 11, 2007. [Licensee paid the $1,155.00 civil penalty on October 10, 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 November 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

14. Rack N' Cue, LLC
    Liem T. Lam, Member
    Tong T. Lam, Member
    RACK N' CUE (FCOM)
    1970 Lancaster Drive NE #125
    Salem OR 97305
    (24-39881-FCOM)

Violation Number One
OAR 845-006-0468 (1) - Licensee failed to make available at least the minimum variety and type of food required for a Full On-Premises Sales License where alcoholic beverages are served and at all times alcohol service was available (between December 28, 2006 and May 11, 2007).

(First, Category III)

Violation Number Two
OAR 845-006-0466 (3) - Licensee failed to make food service menus available to patrons (between about December 28, 2006 and May 11, 2007).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated July 23, 2007. The proposed sanction, considering aggravation and mitigation, was a $3,960 civil penalty or a 24-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION
Violation Numbers One and Two were intentional.

MITIGATION
Violation Numbers One and Two were both charged at the first level because they were discovered concurrently.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated July 23, 2007. These were the Licensee's first and second Category III violations within two years. Because these violations were charged concurrently, 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 each violation and added four days for aggravation because the violations were intentional, for a total sanction of a 24-day suspension or a civil penalty of $3,960.00.

3. The Commission's Public Safety Program will reduce the sanction by six days. This is equivalent to a 30% reduction of the standard sanction.

4. Licensee will pay a civil penalty of $2,970.00 by 5:00 PM on November 29, 2007 **or** serve an 18-day suspension beginning at 7:00 AM on December 4, 2007 and ending at 7:00 AM on December 22, 2007.

5. Licensee withdraws its 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 these violations. 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 November 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.