

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

October 19, 2007

<b><u>LICENSEE/PERMITTEE</u></b>	<b><u>VIOLATION</u></b>	<b><u>SANCTION &amp; COMMENTS</u></b>
1. Chong H. Pak Hyong K. Pak <b>SWAN ISLAND PIZZA (L)</b> 4703 N Lagoon Street Portland OR 97217 (26-18021-L)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Chong H. Pak failed to verify the age of a Portland Police Bureau minor decoy before allowing the decoy to buy or be served alcohol when she reasonably appeared to be under 26 years of age (June 20, 2007).  (First, Category III)	<b>LETTER OF REPRIMAND</b>  <b><u>AGGRAVATION</u></b> Licensee Chong H. Pak was personally involved in the violation.  <b><u>MITIGATION</u></b> <ol style="list-style-type: none"><li>1. Licensees have purchased and will use Age Verification Equipment in accordance with OAR 845- 009-0140.</li><li>2. Licensees have a lengthy history of compliance with the Commission.</li></ol>
2. Cho Enterprises, Inc. Kwang Rae Cho, President/Stockholder Mi Soon Jung, Vice President/Stockholder Cho Lim Lee, Secretary <b>CIVIC FOOD MART (O)</b> 729 N Portland Blvd Portland OR 97217 (26-35190-O)	OAR 845-005-0355 (5) - Corporate Principal Kwang Rae Cho sold glass containers of malt beverages to OLCC inspectors on July 11 and 12, 2007. Licensee's Temporary Letter of Authority issued on June 12, 2007 contained a restriction which stated: "No sale of any glass containers of malt beverages."  (First, Category I)	<b>LETTER OF REPRIMAND</b>  Note: Because Licensee's Temporary Letter of Authority was revoked on July 18, 2007, the Public Safety Program recommends the Commission issue a Letter of Reprimand. This reprimand will become a permanent part of Licensee's Commission file and would be considered in any future application for a liquor licensee by the Licensee.  <b><u>AGGRAVATION</u></b> <ol style="list-style-type: none"><li>1. Corporate Principal Kwang Rae Cho personally committed the violation.</li><li>2. Corporate Principal Kwang Rae Cho sold alcoholic beverages in glass containers on two occasions.</li><li>3. The sale of alcoholic beverages in glass containers on July 12, 2007 was intentional.</li></ol>

3. Honorato O. Morales  
**TACOS MORALES** (FCOM)  
1595 East 3rd #A-2  
Prineville OR 97754  
(07-27687-FCOM)

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 (June 15, 2007).

(First, Category IIIa)

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

AGGRAVATION

Licensee Honorato O. Morales personally committed this  
violation.

4. Sarah Y. Zaney  
**THE SMOKE SHACK** (O)  
52678 Highway 97 North  
LaPine OR 97739  
(09-39817-O)

OAR 845-006-0365 (1) - Licensee or  
Licensee's employee paid for alcoholic  
beverages purchased from a wholesale  
licensee with checks that were returned  
for non-sufficient funds (on or about April  
20 and April 23, 2007).

(First, Category V)

**\$825 CIVIL PENALTY - OR - 5-DAY SUSPENSION**

AGGRAVATION

Multiple checks were returned for non-sufficient funds.

5. Christopher P. Clark  
Joan W. Clark  
**GOLD HILL MARKET & DELI** (O)  
392 Second Avenue  
Gold Hill OR 97525  
(15-05620-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Joan W. Clark 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 2, 2007).

(First, Category III)

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

AGGRAVATION

Licensee Joan W. Clark was personally involved in the  
violation.

MITIGATION

Licensees have a lengthy history of compliance with the  
Commission.

6. F & D Brothers Corporation  
Xiaodong Cui, Pres/Dir/Stkhldr  
Xiaofeng Cui, Stkhldr  
**LAKE GARDEN RESTAURANT** (L)  
18674 SW Boones Ferry Road  
Tualatin OR 97062  
(34-41314-L)

OAR 845-006-0335 (1)(a)(b)(c) -  
Corporate Principal Xiaodong Cui 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 28, 2007).

(First, Category III)

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

AGGRAVATION

Corporate Principal Xiaodong Cui personally committed  
this violation.

7. Veta L. Bingman  
Ty S. Bingman  
**PORTSIDE PUB & WINDSEEKER RESTAURANT** (FCOM)  
1535 Bargeway Road  
The Dalles OR 97058  
(33-22729-FCOM)
- ORS 471.360 (1)(b) - Licensees permitted Denise Johnson to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about August 2006 to about June 14, 2007).
- (First, Category III)
- \$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION**
- AGGRAVATION  
Denise Johnson worked for more than six months without a valid service permit.
- MITIGATION  
Licensees have a lengthy record of good compliance.
8. Joanne W. Breuer  
John D. Breuer II  
**BREUER'S 4 CORNERS MARKET** (O)  
58464 Fairview Road  
Coquille OR 97423  
(06-04092-O)
- OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Debra Miller failed to verify the age of an OLCC minor decoy before allowing the decoy to purchase alcohol when she reasonably appeared to be under 26 years of age (June 25, 2007).
- (First, Category III)
- \$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION**
- (Licensees paid the \$1,980 civil penalty on September 12, 2007.)
- AGGRAVATION  
Licensees had previously been allowed to purchase age verification equipment as an offset to a penalty for failing to verify the age of a minor. Debra Miller failed to use the age verification equipment to prevent this violation.
9. Chung Shik Rhee  
Jung Hee Rhee  
**3 BROTHERS MARKET** (O)  
638 E Burnside  
Portland OR 97214  
(26-05278-O)
- OAR 845-006-0335 (1)(a)(b)(c) - Licensee Chung Shik Rhee failed to verify the age of a Multnomah County Multi-Agency Task Force minor decoy before allowing the decoy to purchase alcohol when she reasonably appeared to be under 26 years of age (June 20, 2007).
- (First, Category III)
- \$330 CIVIL PENALTY - OR - 2-DAY SUSPENSION**
- AGGRAVATION  
Licensee Chung Shik Rhee participated in the violation.
- MITIGATION  
Licensee has purchased and will use Age Verification Equipment in accordance with OAR 845-009-0140.
10. J & J Restaurant Company, Inc.  
Wilma J. Swanson, President/Stockholder  
Johnny D. Malafouris, Vice President/  
Secretary/Treasurer/Stockholder  
**THE OLD BARN** (FCOM)  
9656 SW Barbur Blvd  
Portland OR 97219  
(26-03853-FCOM)
- ORS 471.360 (1)(b) - Licensee permitted Lisa Beckgren to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission (August 8, 2005 to about April 3, 2007).
- (First, Category III)
- \$1,650 CIVIL PENALTY - OR - 10-DAY SUSPENSION**
- AGGRAVATION  
Lisa Beckgren did not have a valid service permit for over six months.
- MITIGATION  
Licensee has a lengthy history of compliance with the Commission.

11. ABS Oak, Inc.  
Bhajan Singh, President/Stockholder  
Amarjit Singh, Vice President/Stockholder  
**OAK MARKET (O)**  
800 Oak Street  
Silverton OR 97381  
(24-26814-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Corporate Principal Amarjit Singh failed to  
verify the age of a minor before allowing  
the minor to purchase alcohol when he  
reasonably appeared to be under 26  
years of age (June 18, 2007).

(First, Category III)

12. Deli Barn Enterprise, Inc.  
Jennifer Alexander, President/Secretary  
Treasurer/Director/Stockholder  
**DELI BARN (L)**  
2410 SE 182nd  
Portland OR 97233  
(26-14645-L)

OAR 845-006-0335 (1)(a)(b)(c) -  
Corporate Principal Jennifer Alexander  
failed to verify the age of a Multnomah  
County Multi-Agency Task Force minor  
decoy before allowing her to buy or be  
served alcohol when she reasonably  
appeared to be under 26 years of age  
(June 20, 2007).

(First, Category III)

13. Boyd H. Francis  
**HUNTER'S RV PARK (O)**  
18020 Highway 395 North  
Lakeview OR 97630  
(19-36627-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employee Lee Ann Nash 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).

(Second, Category III)

Note: Licensee was a member of the  
Responsible Vendor Program at  
the time of this violation.  
Because an aggravating  
circumstance was involved at the  
time of the violation, Licensee is  
required to be removed from the  
Program and is therefore no

### **\$660 CIVIL PENALTY - OR - 4-DAY SUSPENSION**

#### AGGRAVATION

1. Corporate Principal Amarjit Singh participated in the violation.
2. The licensed premises has a reputation in the community for selling alcohol to minors.

#### MITIGATION

Licensee has purchased and will use age verification equipment in accordance with OAR 845-009-0140.

### **LETTER OF REPRIMAND**

#### AGGRAVATION

Corporate Principal Jennifer Alexander personally committed this violation.

#### MITIGATION

1. Licensee has purchased and will use age verification equipment in accordance with OAR 845-009-0140.
2. Licensee has a lengthy record of good compliance.

### **32-DAY SUSPENSION - OR - \$4,950 CIVIL PENALTY - AND - 2-DAY SUSPENSION AND REMOVAL FROM RESPONSIBLE VENDOR PROGRAM**

#### AGGRAVATION

Licensee was previously 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 was not used to prevent the current violation.

longer eligible for reduced sanctions based on Category III(a).

14. US Market #150, LLC  
Lal Sidhu, Member  
Jasbir Johal, Member  
**US MARKET #150 (O)**  
2625 NE Butler Market Rd #A  
Bend OR 97701  
(09-19123-O)

OAR 845-006-0335 (1)(a)(b)(c) - Licensee's employee Wade Cook 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 23, 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, and because an aggravating circumstance was involved, Licensee is required to be removed from the Program and is therefore no longer eligible for reduced sanctions based on Category III(a).

**\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION AND REMOVAL FROM RESPONSIBLE VENDOR PROGRAM**

AGGRAVATION

Licensee has previously been 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 the current violation.

15. Duck International, Inc.  
Warren Webb, President/Stockholder  
**THE BLIND ONION (L)**  
3345 NE Broadway  
Portland OR 97232  
(26-11308-L)

ORS 471.360 (1)(b) - Licensee permitted Nicholas Orlin to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission (from about October 2006 to about July 27, 2007).

(First, Category III)

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

(Licensee paid the \$1,650 civil penalty on October 9, 2007.)

AGGRAVATION

Nicholas Orlin worked for over six months without a valid service permit.

MITIGATION

Licensee has a lengthy record of good compliance.

16. Los Compadres, Inc.  
Macedonio Robles, Pres/Stkhldr  
Lorena Rodriguez, Sec/Treas/Stkhldr  
**RANCHO GRANDE (FCOM)**  
150 E. Cascade Avenue  
Sisters OR 97759  
(09-06264-FCOM)

ORS 471.360 (1)(b) - Licensee permitted  
Edgar Robles to sell, mix, or serve  
alcoholic beverages, or supervise those  
who do, without a valid service permit  
issued by the Commission (from about  
April 19, 2006 to about July 27, 2007).

(First, Category III)

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

(Licensee paid the \$1,650 civil penalty on September 25,  
2007.)

AGGRAVATION

Edgar Robles worked for over six months without a valid  
service permit.

MITIGATION

Licensee has lengthy record of good compliance.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

17. Paper Hat, Inc.  
Zach Sargent, President  
Djamilah Troncelliti, Treasurer  
Maryam Troncelliti, Secretary  
**TIGA** (FCOM)  
1465 NE Prescott, Suites E & F  
Portland OR 97211  
(26-40036-FCOM)

Violation Number One  
OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employee Gunnar Forland  
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 28, 2007).

(First, Category III)

Violation Number Two  
ORS 471.360 (1)(b) - Licensee permitted  
employee Gunnar Forland to sell, mix, or  
serve alcoholic beverages, or supervise  
those who do, without a valid service  
permit (from about April 2006 to about  
March 28, 2007).

(Second, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by  
Notice dated May 16, 2007. The proposed  
sanction, considering aggravation and mitigation,  
was a \$3,630 civil penalty or a 22-day  
suspension. Licensee requested a hearing and  
now wishes to withdraw that request to enter into  
this Settlement Agreement.

### AGGRAVATION

Gunnar Forland worked without a valid service permit for  
about one year.

### MITIGATION

Violations Number One and Two will both be 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. These were Licensee's first and second Category III violation within two years. Because these violations were each charged at the first level, any subsequent violation of this type within the same two-year period will be charged at the second level.
2. Public Safety Program staff original proposed for each violation the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days of aggravation for Violation Number Two because Gunnar Forland worked without a valid service permit for about one year, for a total sanction of a 22-day suspension or \$3,630.00 civil penalty.
3. The Commission will reduce the sanction by six days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$2,640.00 civil penalty before 5:00 PM on October 29, 2007 **or** will serve a 16-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 19, 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 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 October 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

18. LT Diner, LLC  
David Warner, Managing Member  
Christina Warner, Member  
**LABOR TEMPLE DINER & BAR (FCOM)**  
934 Duane Street  
Astoria OR 97103  
(04-02191-FCOM)

ORS 471.410 (1) - Licensee's employees Leah Gallegos and Janine Pickering knowingly sold, served or otherwise made alcohol available to three visibly intoxicated persons. Leah Gallegos also knowingly sold, served or otherwise made alcohol available to an additional visibly intoxicated person (April 27, 2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated July 20, 2007. The proposed sanction, considering aggravation, was a \$2,970 civil penalty or an 18-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

1. Two employees were involved in this violation.
2. Four patrons were involved in this violation.

### 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. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added eight days for aggravation because two employees and four patrons were involved in this violation, for a total of an 18-day suspension or a \$2,970.00 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. Licensee will pay a \$2,475.00 civil penalty before 5:00 PM on October 29, 2007 **or** serve a 15-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 18, 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 October 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

19. **LEAH GALLEGOS**  
Service Permit #259710

Employed by: **LABOR TEMPLE DINER &  
BAR (FCOM)**  
934 Duane Street  
Astoria OR 97103  
(04-02191-FCOM)

ORS 471.410 (1) - Service Permittee  
Leah Gallegos knowingly sold, served or  
otherwise made alcohol available to four  
visibly intoxicated persons (April 27,  
2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Permittee Gallegos was charged with this violation by Notice dated July 20, 2007. The proposed sanction, considering aggravation, was a \$400 civil penalty or a 16-day suspension. Permittee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Four patrons were involved in this violation.

### TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the Notice of Proposed Service Permit Suspension/Civil Penalty. This violation was Permittee'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-suspension or a \$250.00 civil penalty and added six days of aggravation because four patrons were involved in this violation, for a total of a 16-day suspension or a \$400.00 civil penalty.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Permittee will pay a civil penalty of \$325.00 by 5:00 PM on October 29, 2007 **or** serve a 13-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 16, 2007.
5. Permittee withdraws the request for a hearing in this matter.
6. If Permittee's interest in the Service Permit expires before the Commission issues a final order on this allegation, Permittee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Permittee's Commission file.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Permittee's hearing rights will be restored.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

20. **JANINE PICKERING**  
Service Permit #182145

Employed by: **LABOR TEMPLE DINER &  
BAR** (FCOM)  
934 Duane Street  
Astoria OR 97103  
(04-02191-FCOM)

ORS 471.410 (1) - Service Permittee  
Janine Pickering knowingly sold, served  
or otherwise made alcohol available to  
three visibly intoxicated persons (April 27,  
2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Permittee Pickering was charged with this violation by Notice dated July 20, 2007. The proposed sanction, considering aggravation, was a \$350 civil penalty or a 14-day suspension. Permittee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Three patrons were involved in this violation.

### TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the Notice of Proposed Service Permit Suspension/Civil Penalty. This violation was Permittee'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 of a \$250.00 civil penalty and added four days of aggravation because three patrons were involved in this violation, for a total of a 14-day suspension or a \$350.00 civil penalty.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Permittee will pay a civil penalty of \$275.00 by 5:00 PM on October 29, 2007 **or** serve an 11-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 14, 2007.
5. Permittee withdraws the request for a hearing in this matter.
6. If Permittee's interest in the Service Permit expires before the Commission issues a final order on this allegation, Permittee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Permittee's Commission file.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Permittee's hearing rights will be restored.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

21. Ming Yang Restaurant, Inc.  
David Ming-Yang Zhen, Pres/Stkhldr  
Cindy Hong-Mei Zhen, VP/Stkhldr  
**MING YANG RESTAURANT (L)**  
5069 N River Road  
Keizer OR 97303  
(24-26433-L)

OAR 845-006-0335 (1)(a)(b)(c) -  
Corporate Principal David Ming-Yang  
Zhen failed to verify the age of a Marion  
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  
(March 30, 2007).

(First, Category IIIa)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated May 15, 2007. The proposed  
sanction, considering aggravation and mitigation,  
was a \$1,155 civil penalty or a 7-day suspension.  
Licensee requested a hearing and then withdrew  
that request to enter into this Settlement  
Agreement.

#### AGGRAVATION

Corporate Principal David Ming-Yang Zhen participated in  
the violation.

#### MITIGATION

Licensee has a 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 15, 2007. This was the Licensee's first category III(a) 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 \$1,155.00 civil penalty and added two days for aggravation because Corporate Principal David Ming-Yang Zhen participated in the violation and mitigated the sanction two days because Licensee has a lengthy record of good compliance, for a total sanction of a seven-day suspension or a civil penalty of \$1,155.00.
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 \$825.00 by 5:00 PM on October 29, 2007 **or** serve a five-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 8, 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 this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. The 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 October 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

22. Marat E. Astvatsatryan  
**KIEVIAN MARKET (O)**  
21687 Highway 99 E  
Aurora OR 97002  
(24-39261-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee Marat E. Astvatsatryan failed to  
verify the age of a Marion 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 (March 30, 2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated May 16, 2007. The proposed  
sanction, considering aggravation, was a \$1,980  
civil penalty or a 12-day suspension. Licensee  
requested a hearing and now wishes to withdraw  
that request to enter into this Settlement  
Agreement.

### AGGRAVATION

Licensee Marat E. Astvatsatryan was personally involved  
in the violation.

### 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 Public Safety Program staff originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty and added two days of aggravation because Licensee Marat E. Astvatsatryan was personally involved in the violation, for a total of a 12-day suspension or \$1,980.00 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 \$1,485.00 by 5:00 PM on October 29, 2007 or serve a nine-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 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 the 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 October 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

23. Bayview Brewing LLC  
Sofia Skeens, Member  
**THE TROLLER RESTAURANT &  
LOUNGE** (FCOM)  
307 Mooring Basin Road  
Garibaldi OR 97118  
(29-02308-FCOM)

ORS 471.360 (1)(b) - Licensee permitted  
Jessie Embum to sell, mix, or serve  
alcoholic beverages, or supervise those  
who do, without a valid service permit  
issued by the Commission (from about  
April 3, 2004 to about June 16, 2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by  
Notice dated August 9, 2007. The proposed  
sanction, considering aggravation and mitigation,  
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.

#### AGGRAVATION

Jessie Embum did not have a valid service permit for over  
six months.

#### 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 dated August 9, 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 Public Safety Program staff originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty, added two days aggravation because Jessie Embum did not have a valid service permit for over six months, and reduced the sanction by 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 October 29, 2007 **or** serve a seven-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 10, 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 October 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

24. Kayo Oil Company  
Rodd Percy, President  
Ronald Sumner, Vice President  
W. Thomas Skok, Vice President/Secretary  
Michael Krampf, Vice President/Treasurer  
ConocoPhillips Company, Stockholder  
**CIRCLE K / 76 #5456 (O)**  
2281 NE 181st  
Portland OR 97230  
(26-23689-O)

OAR 845-006-0335 (1)(a)(b)(c) -  
Licensee's employee Nathan Salyer 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 (March 28, 2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated June 21, 2007. The proposed sanction, considering aggravation, was a \$1,980 civil penalty or a 12-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Licensee received a Notice of Warning on September 7, 2006 for an employee failing to verify the age of a minor before allowing him to buy or be served alcohol when he reasonably appeared to be under 26 years of age.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Suspension/Civil Penalty. This violation 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 added two days for aggravation because Licensee received a Notice of Warning on September 7, 2006 for an employee failing to verify the age of a minor before allowing him to buy or be served an alcoholic beverage when he reasonably appeared to be under 26 years of age, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. The Commission withdraws the two days of aggravation.
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 \$1,155.00 civil penalty before 5:00 PM on October 29, 2007 **or** serve a seven-day suspension beginning at 7:00 AM on November 3, 2007 and ending at 7:00 AM on November 10, 2007.
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 Letter of 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 October 2007 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.