

ADMINISTRATIVE POLICY & PROCESS DIVISION

VIOLATION CASES TO BE RATIFIED BY COMMISSION

August 14, 2008

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
<p>1. Warren Technology Center, LLC James F. Warren, Managing Member Diane L. Warren, Member HISTORIC SPRINGDALE PUB & EATERY (F-COM, L) 32302 East Crown Point Highway Corbett OR 97019 (26-00283-FCOM,L)</p>	<p>ORS 471.360 (1)(b) – Licensee permitted Melissa Adams to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about December 25, 2007 to about March 5, 2008).</p> <p>(First, Category III)</p>	<p>LETTER OF REPRIMAND</p> <p>Note: Licensee requested a hearing and now wishes to withdraw that request. Because the Licensee’s interest in the license has been transferred and it no longer holds a liquor license, the Public Safety Program recommends the Commission issue Licensee a Letter of Reprimand. 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.</p>
<p>2. JSRS, Inc. Sona Athwal aka Ranjit Singh, President/Director/Stockholder Jaswant Sranna, Secretary/Director/Stkhldr OREGON MINI MART (O) 2684 South Santiam Highway Lebanon OR 97355 (22-29256-O)</p>	<p><u>Violation Number One</u> OAR 845-006-0347 (3) – Corporate Principals Sona Athwal aka Ranjit Singh and Jaswant Sranna permitted unlawful activity when they unlawfully distributed cigarettes on the licensed premises, Oregon Mini Mart (from about April 1, 2004 to about June 16, 2004).</p> <p>(First, Category III)</p> <p><u>Violation Number Two</u> ORS 471.315 (1)(a)(l) – Corporate Principals Sona Athwal aka Ranjit Singh and Jaswant Sranna were convicted in</p>	<p style="text-align: center;"><u>MITIGATION</u></p> <p>Licensee has a lengthy record of good compliance.</p> <p>\$4,950 CIVIL PENALTY – OR – 30-DAY SUSPENSION</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p><u>Violation Number One</u></p> <ol style="list-style-type: none"> 1. Two persons were involved in this violation. 2. Corporate Principals Sona Athwal aka Ranjit Singh and Jaswant Sranna were personally involved in this violation. 3. The unlawful activity occurred on numerous occasions. <p><u>Violation Number Two</u> Two corporate principals were convicted of a misdemeanor.</p>

Marion County Circuit Court of a Class A Misdemeanor, Unlawful Distribution of Cigarettes (ORS 323.482(2)(b)). These misdemeanor crimes were committed on the licensed premises, Oregon Mini Mart, from about April 1, 2004 to about June 16, 2004 (February 27, 2008).

(Second, Category III)

MITIGATION

Violations Number One and Two will be charged at the first level because they are each based on the same set of circumstances.

3. Pomfret Cuisine, Inc.
James Kitchens, President/Stockholder
Michael Moor, VP/Secretary/Stkhldr
OLD MILL MARTINI BAR (F-COM)
360 SW Powerhouse Drive
Bend OR 97702
(09-41303-FCOM)

OAR 845-005-0400 (1) – Licensee failed to maintain liquor liability insurance or a bond with a corporate surety in the amount of not less than \$300,000 for Old Mill Martini Bar (from about February 8, 2008 to March 21, 2008).

(First, Category I)

\$4,950 CIVIL PENALTY – OR – 30-DAY SUSPENSION

MITIGATION

The Licensee has obtained the insurance required by law.

4. Mt. Hood Lanes, Inc.
Robert A. Lamb, President/Dir/Stkhldr
MT. HOOD LANES (F-COM)
2311 East Powell Boulevard
Gresham OR 97080
(26-40492-FCOM)

ORS 471.360 (1)(b) – Licensee permitted Theresa Brown to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about December 19, 2006 to about May 13, 2008).

(First, Category III)

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

AGGRAVATION

Theresa Brown worked for over six months without a valid service permit.

5. Jason Thiel, LLC
Jason Thiel, Managing Member
GENO'S GRILL (F-COM)
3035 NE Kane Dr.
Gresham OR 97030
(26-37288-FCOM)

OAR 845-006-0335 (3)(b) – Licensee's employees Jeremy Klein and Steven Vollans permitted a minor to be on the licensed premises or in an area of the licensed premises prohibited to minors (May 10-11, 2008).

(First, Category IV)

\$1,815 CIVIL PENALTY – OR – 11-DAY SUSPENSION

AGGRAVATION

1. The minor was under 18 years of age.
2. Two employees were involved in the violation.

6. Guild's Lake, LLC
Nina Lyons, Managing Member
Brian McAdams, Member
GUILD'S LAKE INN (L)
3271 NW 29th Avenue
Portland OR 97214
(24-14001-L)

ORS 471.315 (1)(a)(I) – Member Brian McAdams was convicted in Linn County Circuit Court of a Class C Felony, Unlawful Use of a Weapon by Attempting to Use Unlawfully Against Another, or Carrying or Possessing with Intent to Use Unlawfully Against Another (ORS 166.220(1)(a)). This felony crime involved harm or threat of harm and was committed on about October 24, 2007 (November 28, 2007).

30-DAY LICENSE SUSPENSION

MITIGATION

At the time of this violation, Licensee had a lengthy record of good compliance.

(First, Category I)

7. Ricardo Martinez
Esperanza Corona
MI TIENDITA MINI MARKET DELI (O)
803 N. Main Street
Prineville OR 97754
(07-11581-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensees' employee Christina Solano failed to verify the age of an OLCC minor decoy before allowing him to buy or be served an alcoholic beverage when he reasonably appeared to be under 26 years of age (May 8, 2008).

**\$1,650 CIVIL PENALTY – OR – 10-DAY SUSPENSION
AND REMOVAL FROM RESPONSIBLE VENDOR
PROGRAM**

(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 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).

8. TKT, Inc.
Timmy Tso, Pres/VP/Sec/Dir/Stkhldr
SHANGHAI STEAKERY (F-COM)
16 NW Broadway
Portland OR 97209
(26-11581-FCOM)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employees Jay Mitchell and
an unnamed doorman failed to verify the
age of a Multnomah County Sheriff’s
Office minor decoy before allowing him to
buy or be served an alcoholic beverage
when he reasonably appeared to be
under 26 years of age (April 18, 2008).

(Third, Category III)

Violation Number Two

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employees Jason Smith and
Robert Smith failed to verify the age of an
OLCC minor decoy before allowing him to
buy or be served an alcoholic beverage
when he reasonably appeared to be
under 26 years of age (May 23, 2008).

(Fourth, 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).

**68-DAY SUSPENSION – OR –
\$4,950 CIVIL PENALTY – AND – 38-DAY SUSPENSION
AND REMOVAL FROM RESPONSIBLE VENDOR
PROGRAM**

AGGRAVATION

1. Two employees were involved in each of these
violations.
2. 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 either
of the current violations.

MITIGATION

Licensee’s first and second violations were charged
concurrently at the second level because of a prior
violation that was charged at the first level. The prior first-
level violation does not fall within two years of the current
violations. Because the first and second violations are the
first violations within a two-year period with the current
violations, the current violations will be charged at the
second and third levels.

9. James D. Trenary, Inc.
James D. Trenary, Pres/Sec/Treas/Dir/
Stkhldr
SMOKER FRIENDLY #2 (O)
5135 River Road North
Keizer OR 97303
(24-38794-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employee Troy Large, Jr.
failed to verify the age of three minors
before allowing them to buy or be served
alcoholic beverages when they
reasonably appeared to be under 26
years of age (April 21, 2008).

\$2,475 CIVIL PENALTY – OR – 15-DAY SUSPENSION

AGGRAVATION

1. Three minors were involved in this violation.
2. One was a juvenile at the time of the violation.
3. Smoker Friendly #2 has a reputation of selling alcohol to minors.

(First, Category III(a))

10. Big Boi, LLC
Mark Garcia, Member
Molly Garcia, Member
SAPPHIRE LOUNGE (F-COM)
3743 Commercial Street SE
Salem OR 97302
(24-40760-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employee Kevin Luman-
Shattuck failed to verify the age of a
minor before allowing him to be in an area
of the licensed premises that is prohibited
to minors (April 19, 2008).

\$3,465 CIVIL PENALTY – OR – 21-DAY SUSPENSION

AGGRAVATION

1. The Licensee has a reputation in the community for failing to verify the age of minors before allowing them into a prohibited area or allowing them to buy or be served alcohol.
2. Violation Number Two involved two employees.

(First, Category IV)

Violation Number Two
OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employees Jamie Brunson
and Lucas Bettelyoun failed to verify the
age of an OLCC minor decoy before
allowing her to buy or be served an
alcoholic beverage when she reasonably
appeared to be under 26 years of age
(May 30, 2008).

(First, Category III)

11. Marie Kahng
Chang Soo Kang
D & M LITTLE BRICK DELI (O)
16735 SW Pacific Highway
Tigard OR 97224
(34-37993-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employees Woo Yang and
Andrew Yarborough failed to verify the
age of a Washington County Sheriff’s
Office minor decoy before allowing her to
buy or be served an alcoholic beverage
when she reasonably appeared to be
under 26 years of age (May 23, 2008).

**32-DAY SUSPENSION – OR –
\$4,950 CIVIL PENALTY – AND – 2-DAY SUSPENSION**

AGGRAVATION

Two employees were involved in this violation.

(Second, Category III)

12. ARS-Fresno, LLC
American Retail Services, LLC, Member
SHELL 504 (O)
1410 SE Highway 101
Lincoln City OR 97367
(21-26495-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employee William Simer, Jr.
failed to verify the age of an OLCC minor
decoy before allowing him to buy or be
served an alcoholic beverage when he
reasonably appeared to be under 26
years of age (May 9, 2008).

(Second, 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).

**32-DAY SUSPENSION – OR –
\$4,950 CIVIL PENALTY – AND – 2-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 failing
to verify the age of a minor. William Simer, Jr. failed to
use the age verification equipment to prevent this
violation.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

13. Forgotten Images, Inc.
Derek Finholt, President/Stockholder
James Finholt, VP/Secretary/Stockholder
Christi Finholt, Vice President/Stockholder
Donald Korn, Treasurer/Stockholder
BLUE PEPPER GALLERY (L)
241 Commercial St. NE
Salem OR 97301
(24-39742-L)

OAR 845-006-0335 (1)(a)(b)(c) –
Corporate Principal Derek Finholt failed to
verify the age of an OLCC minor decoy
before allowing him to buy or be served
an alcoholic beverage when he
reasonably appeared to be under 26
years of age (March 28, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated June 6, 2008. The proposed
sanction, considering aggravation, was a \$1,980
civil penalty or a 12-day suspension. Licensee
wishes to enter into this Settlement Agreement.

AGGRAVATION

Corporate Principal Derek Finholt 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. 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 Corporate Principal Derek Finholt was personally involved in the violation. The total proposed penalty was a 12-day suspension or a \$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 August 25, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on August 31, 2008 and ending at 7:00 AM on September 9, 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 August 2008 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 hearings rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

14. Mallex, LLC
Anthony Crane, Member
AIRPORT HEIGHTS MARKET (O)
2750 Virginia Avenue
North Bend OR 97459
(06-04184-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Rodney Denman,
Jr. failed to verify the age of an OLCC
minor decoy before allowing her to buy or
be served an alcoholic beverage when
she reasonably appeared to be under 26
years of age (March 31, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated May 30, 2008. 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 has previously been allowed to purchase age verification equipment as an offset to a penalty for failing to verify the age of a minor. Rodney Denman, Jr. failed to use the age verification equipment to prevent 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 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 has previously been allowed to purchase age verification equipment as an offset to a penalty for failing to verify the age of a minor and the age verification equipment was not used to prevent this violation. The total proposed penalty was a 12-day suspension or a \$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 August 25, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on August 30, 2008 and ending at 7:00 AM on September 8, 2008.
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 August 2008 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 hearings rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

15. A-II, LLC
Abby's, Inc., Member
Richard Feldheim, Member
Bert Mills Sinclair, Member
**ABBY'S LEGENDARY PIZZA OF
ALBANY (L)**
3033 Santiam Hwy
Albany OR 97321
(22-04925-L)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employees Nicholas Ross and
Adam Mitzel failed to verify the age of an
OLCC minor decoy before allowing him to
buy or be served an alcoholic beverage
when he reasonably appeared to be
under 26 years of age (April 11, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated June 6, 2008. 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

Two employees participated in the violation.

MITIGATION

Licensee has a lengthy record of 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 the 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, aggravated the penalty by two days because two employees were involved and mitigated the sanction by two days because Licensee has a lengthy record of compliance, for a total sanction of a 10-day suspension or a civil penalty of \$1,650.00
3. Licensee has purchased and installed age verification equipment as defined in OAR 845-009-0140(c) and will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. Licensee will run all alcohol sales through the register at which the age verification equipment is installed.
4. The Commission will allow the Licensee to purchase age verification equipment in lieu of the suspension or civil penalty assessed for the violation.
5. Licensee will accept a Letter of Reprimand for this 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 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 2008 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. E-San Thai Cuisine, Inc.
Sackpaseuth Pathammavong,
President/Director/Stockholder
Thavill Paphay, Sec/Treas/Dir/Stkhldr
**E SAN THAI CUISINE 2ND AVENUE BAR
& GRILL (F-COM)**
133 SW 2nd Avenue
Portland OR 97204
(03-21897-FCOM)

ORS 471.360 (1)(b) – Licensee permitted
Corporate Principal Sackpaseuth
Pathammavong to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about January 4, 2008 to about
February 5, 2008).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated March 21, 2008. The proposed
sanction, considering aggravation, was a 32-day
suspension or a \$4,950 civil penalty and a two-
day suspension. Licensee requested a hearing
and now wishes to withdraw that request to enter
into this Settlement Agreement.

AGGRAVATION

Corporate Principal Sackpaseuth Pathammavong 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 March 21, 2008. This was Licensee's second Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the third level.
2. The Public Safety Program staff originally proposed the standard sanction of a 30-day suspension or \$4,950.00 civil penalty, and added two days of aggravation because Corporate Principal Sackpaseuth Pathammavong was personally involved in the violation, for a total of a 32-day suspension or a civil penalty of \$4,950.00 in lieu of 30 days with the remaining two days of the suspension mandatory.
3. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$3,795.00 by 5:00 PM on August 25, 2008 **or** serve a 23-day suspension beginning at 7:00 AM on August 30, 2008 and ending at 7:00 AM on September 22, 2008.
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 August 2008 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

17. Bootsy, LLC
Thomas Fieland, Member
Matthew Traxler, Member
TIMBERS BAR & GRILL EAST (F-COM)
2570 NE Twin Knolls Drive, #100
Bend OR 97701
(09-25631-FCOM)

OAR 845-006-0345 (1) – Licensee’s
employees Paula Elizondo and Michelle
Savage were drinking while on duty at the
licensed premises (March 1, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated May 5, 2008. The proposed sanction, considering aggravation, was a 12-day suspension or a \$1,980 civil penalty. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Two employees were 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. 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 \$1,650.00 civil penalty and added two days of aggravation because two employees were involved in the violation. The total proposed penalty was a 12-day suspension or a \$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 August 25, 2008 or serve a nine-day suspension beginning at 7:00 AM on August 30, 2008 and ending at 7:00 AM on September 8, 2008.
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 August 2008 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 hearings rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

18. Browne & Jenkins, LLC
Amber Browne, Member
Jonathan Jenkins, Member
LA BODEGA WINE & BEER (L)
1325 NE Fremont
Portland OR 97212
(26-39497-FCOM)

OAR 845-006-0345 (1) – Member
Jonathan Jenkins drank alcoholic
beverages while on duty at the licensed
premises (September 21, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

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

AGGRAVATION

Member Jonathan Jenkins participated 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. This was the Licensee's first Category III violation within two years. Any subsequent Category III violation within two years of the date of the violation 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 two days of aggravation because Member Jonathan Jenkins participated in the violation, for a total sanction of a 12-day suspension or a civil penalty of \$1,980.00.
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 \$1,485.00 by 5:00 PM on August 25, 2008 or serve a nine-day suspension beginning at 7:00 AM on August 30, 2008 and ending at 7:00 AM on September 8, 2008.
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. 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 August 2008 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. The Claveran Group, LLC
Peter Pavich, Managing Member
Steven Muir, Member
SALMON RUN GOLF COURSE (L)
99040 SB Chetco River Road
Brookings OR 97415
(08-28430-L)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Lance Barnes failed
to verify the age of an OLCC minor decoy
before allowing him to buy or be served
an alcoholic beverage when he
reasonably appeared to be under 26
years of age (January 25, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated May 14, 2008. The proposed sanction,
considering aggravation, was a 12-day
suspension or a \$1,980 civil penalty. 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 an offset to a penalty for failing
to verify the age of a minor. Lance Barnes failed to use
the age verification equipment to prevent 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 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 \$1,650.00 civil penalty and added two days of aggravation because Licensee has previously been allowed to purchase age verification equipment as an offset to a penalty for failing to verify the age of a minor and Licensee's employee failed to use the age verification equipment to prevent this violation. The total proposed sanction was a 12-day suspension or a \$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 August 25, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on August 30, 2008 and ending at 7:00 AM on September 8, 2008.
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 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 August 2008 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 hearings rights will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

20. Sam's Hospitality, Inc.
Ralph Tidwell, President/Stockholder
Dennis Ashby, Vice President/Stockholder
Sandra Tidwell, Secretary/Treas/Stkhldr
TOP OF THE HILL TAVERN (L)
9252 NE Glisan
Portland OR 97220
(26-10238-L)

OAR 845-006-0347 (2)(a) – Licensee permitted disorderly activity when employees Judith Hillman and Bernadette Craig engaged in a verbal and physical argument on the licensed premises. Licensee again permitted disorderly activity when Corporate Principal Dennis Ashby and employee Judith Hillman engaged in a verbal and physical argument on the licensed premises (April 12, 2007 and April 15, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 2, 2007. The proposed sanction, considering aggravation and mitigation, was a 14-day suspension or a \$2,310 civil penalty. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Disorderly activity occurred on the premises twice between April 12 and April 15, 2007.
2. Two employees participated in the disorderly activity on April 12, 2007.
3. Corporate Principal Ashby participated in the disorderly activity on April 15, 2007.

MITIGATION

Licensee has a lengthy record of good compliance.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation that occurred on April 12, 2007 as set out in the Notice of Proposed License Suspension/Civil Penalty. This was the Licensee's first Category III violation within two years. Any subsequent Category III violation within two years of the date of the violation 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 six days of aggravation because disorderly activity occurred on the premises twice between April 12 and April 15, 2007. The Public Safety Program proposed to mitigate the sanction by two days because Licensee has a lengthy record of good compliance with the Commission. The total proposed sanction was a 14-day suspension or \$2,310.00 civil penalty.
3. The Commission withdraws the portion of the charge related to the April 15, 2007 incident. The Commission also withdraws the proposed aggravation for more than one incident occurring on the premises and Corporate Principal Ashby's personal involvement in the disorderly activity.
4. The Commission's Public Safety Program will reduce the sanction to a six-day suspension or \$990.00 civil penalty.
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. 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 August 2008 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

21. Kathy Countryman
Susan Countryman
COUNTRYMAN PUBLIC HOUSE (F-COM)
1405 Mill Street
Silverton OR 97381
(24-00369-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) –
Licensees' employee Joseph Tobar failed
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
(December 23, 2007).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) – Licensees
permitted Amoreena Martinez and Joseph
Tobar to sell, mix, or serve alcoholic
beverages, or supervise those who do,
without valid service permits (for varying
lengths of time from about October 18,
2007 to about January 4, 2008).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
Notice dated March 18, 2008. The proposed
sanction, considering aggravation and mitigation,
was a \$6,600 civil penalty or a 40-day
suspension. Licensees requested a hearing and
now wish to withdraw that request to enter into
this Settlement Agreement.

AGGRAVATION

Two employees were involved in Violation Number Two.

MITIGATION

Licensees have a lengthy record of good compliance.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. These were Licensees' first and second Category III violations within two years. Any subsequent violation of this type within two years will be charged at the third level.
2. The Public Safety Program originally proposed for Violation Number One the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and for Violation Number Two the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty, added two days for aggravation because two employees were involved, and subtracted two days because Licensees had a lengthy record of good compliance, for a total of a 40-day suspension or a \$6,600.00 civil penalty.
3. The Commission will reduce the sanction by 12 days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a \$4,620.00 civil penalty before 5:00 PM on August 25, 2008 **or** serve a 28-day suspension beginning at 7:00 AM on August 30, 2008 and ending at 7:00 AM on September 27, 2008.
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 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 August 2008 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.

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

Carried over from July Meeting:

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
21. E-San Thai Cuisine, Inc. Sackpaseuth Pathammavong, President/Director/Stockholder Thavill Paphay, Sec/Treas/Dir/Stkhldr E SAN THAI CUISINE 2ND AVENUE BAR & GRILL (F-COM) 133 SW 2 nd Avenue Portland OR 97204 (03-21897-FCOM)	ORS 471.360 (1)(b) – Licensee permitted Marie Carey to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about March 10, 2008 to about April 25, 2008). (Third, Category III)	30-DAY SUSPENSION