

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

February 14, 2008

LICENSEE/PERMITTEE

VIOLATION

SANCTION & COMMENTS

1. L & B's, Inc.
Sean Coats, President/Stockholder
Carol Cline-Coats, VP/Stockholder
Joshua Heimer, Stockholder
L & B's (F-COM)
1717 Willamette Falls Drive
West Linn OR 97068
(03-40917-FCOM)

OAR 845-006-0365 (1) – Licensee paid for alcoholic beverages purchased from Columbia Distributing Company and Mt. Hood Beverage Company, both wholesale licensees, with checks that were returned for non-sufficient funds (Columbia Distributing Co. on or about July 19, 2007, August 3, 2007, and August 10, 2007. Mt. Hood Beverage Co. on or about August 7, 2007).

\$1,155 CIVIL PENALTY – OR – 7-DAY SUSPENSION

AGGRAVATION

1. Multiple checks were returned for non-sufficient funds.
2. Checks that were returned for non-sufficient funds were issued to two wholesale licensees.

(First, Category V)

2. Roszak's Fish House, Inc.
Michael Roszak, Pres/Sec/Stkhldr
ROSZAK'S FISH HOUSE (F-COM)
1230 NE 3rd
Bend OR 97701
(09-07910-FCOM)

ORS 471.360 (1)(b) – Licensee permitted employees Amy Griffin and Michael Roszak to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits issued by the Commission (for varying lengths of time from about October 1, 1998 to about October 25, 2007).

\$2,640 CIVIL PENALTY – OR – 16-DAY SUSPENSION

AGGRAVATION

1. Two persons were involved in the violation.
2. Corporate Principal Michael Roszak was one of the persons involved.
3. Amy Griffin did not have a valid service permit for over six months.
4. Corporate Principal Michael Roszak did not have a valid service permit for over six months.

(First, Category III)

MITIGATION

Licensee has a lengthy record of good compliance.

3. Dan & Louis Oyster Bar, Inc.
Meinert Wachsmuth, Pres/Stockholder
Theodore Wachsmuth, VP/Stockholder
Douglas Wachsmuth, Sec/Tres/Stkhldr
DAN & LOUIS OYSTER BAR (FCOM)
208 SW Ankeny
Portland OR 97204
(26-20592-FCOM)

ORS 471.360 (1)(b) – Licensee permitted employees Sarah Ashland, Carrie Molina, Francine Sirota-Tocci, Jason Sweetman, Meinert Wachsmuth, and Natalie Yakimchick to sell, mix, or serve alcoholic beverages, or supervise those who do without valid service permits (for varying lengths of time from about February 15, 2006 to about November 1, 2007).

(First, Category III)

\$3,960 CIVIL PENALTY – OR – 24-DAY SUSPENSION

AGGRAVATION

1. Six employees were involved in the violation.
2. Corporate Principal Meinert Wachsmuth was one of the persons involved.
3. Francine Sirota-Tocci did not have a valid service permit for over six months.
4. Corporate Principal Meinert Wachsmuth did not have a valid service permit for over six months.

MITIGATION

Licensee has a lengthy record of good compliance.

4. Jeep Jarhead, Inc.
Rebecca Wallis, President/Shareholder
Ewan Wallis, Secretary
BROOK NOOK DELI (L)
5045 Brooklake Road
Brooks OR 97305
(24-38408-L)

Violation Number One
OAR 845-005-0400 – Licensee failed to maintain liquor liability insurance or a bond with a corporate surety (from about August 8, 2007 to about October 16, 2007).

(First, Category I)

LICENSE CANCELLATION

AGGRAVATION

Corporate Principal Rebecca Wallis was personally involved in Violation Number Two.

Violation Number Two
OAR 845-006-0335 (1)(a)(b)(c) – Corporate Principal Rebecca Wallis failed to verify the age of an OLCC minor decoy before allowing the decoy to buy or be served an alcoholic beverage when he reasonably appeared to be under 26 years of age (October 2, 2007).

(First, Category III)

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

AGGRAVATION

Licensee received a prior warning for permitting a person

5. Moss Family Enterprises, Inc.
Donald Moss, President/Stockholder
Frances Moss, Secretary/Stockholder
COLUMBIA RECREATION LANES

ORS 471.360 (1)(b) – Licensee permitted Bardina Harvey (aka Bardina Hancock) to sell, mix, or serve alcoholic beverages, or supervise those who do without a valid

(FCOM)
213 E 2nd
The Dalles OR 97058
(33-20641-FCOM)

service permit (from about September 28, 2007 to about October 27, 2007).

(First, Category III)

to mix, sell, serve alcoholic beverages, or to supervise those who do, without a valid service permit on December 30, 2005.

MITIGATION

Licensee has a lengthy record of good compliance.

6. PJC Corporation
Pil Jun Chung, President/Treasurer/Stkhldr
INTERSTATE BAR & GRILL (FCOM)
4234 N Interstate Ave
Portland OR 97217
(26-00123-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employee, Jennifer
Vaandering failed to verify the age of a
minor before allowing her to buy or be
served an alcoholic beverage when she
reasonably appeared to be under 26
years of age (about March 6, 2007).

(First, Category III)

LETTER OF REPRIMAND

MITIGATION

Licensee has purchased and will use age verification equipment in accordance with OAR 845-009-0140 (1)(c).

7. Outlaws Entertainment LLC
Richard Sowers, Member
OUTLAWS BAR & GRILL (FCOM)
722 E. Burnside
Portland OR 97214
(26-29067-FCOM)

ORS 471.315 (1)(c) – Licensee has a
history of serious and persistent problems
involving disturbances, unlawful activities,
or noise either in the premises or
involving patrons in the immediate vicinity
of the premises (11 separate incidents
from September 18, 2006 to August 31,
2007).

From September 18, 2006 to about
August 31, 2007, there were 11 serious
incidents at the premises. Disturbances
at the premises included physical
altercations involving fights as well as
verbal assaults. There was one incident
involving the discharge of a firearm inside
the premises. There have been four
incidents of employees providing private
security services without being DPSTT
certified. Firearms, bottles and glasses
have been used as weapons. Patrons

LICENSE CANCELLATION

and premises staff have sustained injuries including cuts, facial fractures and bloody noses as a result of these incidents. Some incidents have resulted in damage to property. These disturbances have occurred inside the licensed premises, in areas that Licensee controls outside the premises, and in the immediate vicinity to the licensed premises.

(First, Category I)

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Cox Brothers Corporation
Jeremy Cox, President/Stockholder
Christopher Cox, VP/Secretary/Stockholder
JC'S BAR & GRILL (F-COM)
642 NW Franklin Avenue
Bend OR 97701
(09-35725-FCOM)

ORS 471.360 (1)(b) – Licensee permitted employees Hannah Landis and Nicole Walker to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about September 2005 to about May 18, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated August 27, 2007. The proposed sanction, considering aggravation, was a \$2,310 civil penalty or a 14-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 the violation.
2. Hannah Landis worked for over six months without a valid service permit.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended 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 of \$1,650.00 civil penalty and added four days of aggravation because two employees were involved in the violation and Hannah Landis worked for over six months without a valid service permit. The total proposed penalty was a 14-day suspension or \$2,310.00 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 \$1,815.00 by 5:00 PM on February 25, 2008 **or** serve an 11-day suspension beginning at 7:00 AM on March 1, 2008 and ending at 7:00 AM on March 12, 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 February 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

9. Lamonta Road House, LLC
Robin Fluck, Managing Member
LAMONTA ROAD HOUSE (FCOM)
1265 NW Lamonta Road
Prineville OR 97754
(07-06241-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee Robin Fluck failed to verify the
age of a minor before allowing her to buy
or be served an alcoholic beverage when
she reasonably appeared to be under 26
years of age (September 27, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated November 28, 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 Robin Fluck personally committed 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 two days for aggravation because Licensee Robin Fluck personally committed this violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. Licensee will install age verification equipment, as defined in OAR 845-009-0140 (1)(c), and will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age in lieu of 10 days of suspension or \$1,650.00 of civil penalty.
4. Licensee will pay a \$330.00 civil penalty before 5:00 PM on February 25, 2008 **or** serve a two-day suspension beginning at 7:00 AM on March 1, 2008 and ending at 7:00 AM on March 3, 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 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 February 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

10. Cedars Restaurant & Lounge, Inc.
David Layman, President/Stockholder
CEDARS RESTAURANT & LOUNGE
(FCOM)
200 Detroit Avenue
Detroit OR 97342
(24-02240-FCOM)

ORS 471.405 (1) – Licensee sold or offered for sale alcoholic beverages in a manner other than the license permits. Licensee allowed sales of alcohol to take place across the street at an unlicensed location (from about May 2007 to about July 26, 2007).

(First, Category I)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 22, 2007. The proposed sanction, considering mitigation, was a \$4,950 civil penalty or a 30-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

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 dated October 22, 2007. This was the Licensee's first Category I 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 a sanction of a 30-day suspension or \$4,950.00 civil penalty for the violation.
3. The Commission's Public Safety Program will reduce the sanction by nine days. This is equivalent to a 30% reduction of the sanction.
4. Licensee will pay a civil penalty of \$3,465.00 by 5:00 PM on February 25, 2008 **or** serve a 21-day suspension beginning at 7:00 AM on March 1, 2008 and ending at 7:00 AM on March 22, 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 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 February 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

11. Apple AB Enterprises, Inc.
Joe Wong, President/Director/Stockholder
**APPLEBEE'S NEIGHBORHOOD GRILL
& BAR (FCOM)**
3197-C North Highway 97
Bend OR 97701
(09-27547-FCOM)

ORS 471.360 (1)(b) – Licensee permitted Sherri Morris, Todd Johnson, Kaylee Lemcke, and Sheena York to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (varying lengths of time from about May 3, 2005 to about June 16, 2007).

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated August 7, 2007. The proposed sanction, considering aggravation, was a \$4,950 civil penalty and a 10-day suspension or a 40-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Four employees were involved in this violation.
2. Todd Johnson and Sheena York each worked for over six months without a valid service permit.

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 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 Commission's Public Safety Program staff originally proposed the standard sanction of a 30-day suspension or \$4,950.00 civil penalty and added ten days of aggravation because four employees were working without service permits, two of whom worked for over six months without a valid service permit, for a total sanction of a 40-day suspension or a civil penalty of \$4,950.00 in lieu of 30 days with the remaining ten days of the suspension mandatory.
3. The Commission's Public Safety Program will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction. The Public Safety Program will also withdraw one day of aggravation for Licensee's efforts to prevent future service permit violations.
4. Licensee will pay a civil penalty of \$4,950.00 by 5:00 PM on February 25, 2008 **or** serve a 30-day suspension beginning at 7:00 AM on March 1, 2008 and ending at 7:00 AM on March 31, 2008.
5. Licensee withdraws its request for 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 February 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

12. Mario Ortiz
Blanca Gonzalez
Elvira Gonzalez
Manuel Ortiz
MINI SUPER HIDALGO (O)
903 NE 3rd St
McMinnville OR 97128
(36-37826-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee Mario Ortiz failed to verify the
ages of two OLCC minor decoys before
allowing them to buy or be served an
alcoholic beverage when they reasonably
appeared to be under 26 years of age
(November 16, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated January 11, 2008. The proposed
sanction, considering aggravation, was a \$1,980
civil penalty or a 12-day suspension. Licensee
requests to enter into this Settlement Agreement.

AGGRAVATION

1. Licensee Mario Ortiz 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 Licensee Mario Ortiz was personally involved in the violation. The total proposed penalty was 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 February 25, 2008 or serve a 9-day suspension beginning at 7:00 AM on March 1, 2008 and ending at 7:00 AM on March 10, 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 February 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

13. **JENNIFER VAANDERING**
Service Permit No. 268110

Employed at: INTERSTATE BAR & GRILL
(FCOM)
4234 N Interstate Ave
Portland OR 97217
(26-00123-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) – Service
permittee, Jennifer Vaandering failed to
verify the age of a minor (March 6, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Permittee was charged with this violation by
OLCC Violation Notice No. 09815 dated May 16,
2007. The proposed sanction was a \$250 civil
penalty or a 10-day suspension. Permittee
requested a hearing and now wishes to withdraw
that request to enter into this Settlement
Agreement.

Note: The Licensee was also charged with
this violation by Notice dated June 18,
2007. Licensee originally requested a
hearing. Licensee withdrew that
request and accepts a Letter of
Reprimand.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the OLCC Violation Notice. This 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 or \$250.00 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 \$175.00 by 5:00 PM on February 25, 2008 **or** serve a seven-day suspension beginning at 7:00 AM on March 1, 2008 and ending at 7:00 AM on March 8, 2008.
5. Permittee withdraws the request for a hearing.
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 and may be considered in any future application for a Service Permit.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their February 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 Permittee's hearing

rights will be restored.