

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

January 14, 2008

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Amko, Inc. Paul (Kwang Fu) Tang, Pres/Stkhldr Shu Jung Tang, Sec/Stkhldr LUCKY LARRY'S LOUNGE (FCOM) 1295 Commercial Way Albany OR 97321 (22-16497-FCOM)	ORS 471.360 (1)(b) - Licensee permitted Nicole Clark to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about March 23, 2007 to about October 5, 2007). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Nicole Clark worked for over six months without a valid service permit.
2. Gayatri International, LLC Uma Dangeti, Managing Member Ravi Dangeti, Member MAYURI INDIAN RESTAURANT (L) 16175 SW Walker Road Beaverton OR 97006 (34-38194-L)	OAR 845-006-0335 (1)(a)(b)(c) - Member Ravi Dangeti failed to verify the age of a Beaverton PD minor decoy before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (August 15, 2007). (First, Category III)	\$1,980 CIVIL PENALTY - OR - 12-DAY SUSPENSION <u>AGGRAVATION</u> Member Ravi Dangeti was personally involved in the violation.
3. Linda Hancock THE GENERAL STORE ON 1ST STREET (O) 207 North 1st Street Silverton OR 97381 (24-40215-O)	OAR 845-006-0335 (1)(a)(b)(c) - Licensee Linda Hancock failed to verify the age of an OLCC minor decoy before allowing the decoy to buy or be served alcohol when he reasonably appeared to be under 26 years of age (October 2, 2007). (Second, Category III)	32-DAY SUSPENSION - OR - \$4,950 CIVIL PENALTY - AND - 2-DAY SUSPENSION <u>AGGRAVATION</u> Licensee Linda Hancock personally committed this violation.

4. Sun Mountain Lanes, Inc.
Edward Ramsay, Pres/Stkhldr
Cathy Ramsay, Sec/Treas/Stkhldr
SUN MOUNTAIN FUN CENTER (L)
300 NE Bend River Mall Avenue
Bend OR 97701
(09-13980-L)

Violation Number One
ORS 471.360 (1)(b) - Licensee permitted
Jonathon Howard to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about June 4, 2007 to about August
19, 2007).

(First, Category III)

Violation Number Two
ORS 471.482 (1) - Licensee's employee
Kevin Cooper took orders for, served, or
sold alcohol when he was under 18 years
of age (from about June 1, 2007 to about
August 18, 2007).

(First, Category IV)

\$2,805 CIVIL PENALTY - OR - 17-DAY SUSPENSION

(Licensee paid the \$2,805 civil penalty on January 7,
2008.)

AGGRAVATION

Kevin Cooper took orders for, served, or sold alcohol on
numerous occasions when he was under 18 years of age.

MITIGATION

Licensee has a lengthy record of good compliance.

5. Fanny Saragoza
Leonel Rodriguez
TIENDA SAN JUAN (O)
512 4th Street
Gervais OR 97026
(24-36389-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Fanny Saragoza failed to verify
the age of an OLCC minor decoy before
allowing the decoy to buy or be served
alcohol when he reasonably appeared to
be under 26 years of age (October 2,
2007).

(First, Category III)

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

AGGRAVATION

Licensee Fanny Saragoza personally committed this
violation.

6. Amador's LLC
Manuel Amador, Sr., Managing Member
Manuel Amador, Jr., Member
Elvira Amador, Member
AMADOR'S (FCOM)
300 Liberty Street SE
Salem OR 97301
(24-39715-FCOM)

OAR 845-006-0335 (3)(a) - Licensee's
employees permitted a minor to buy, be
served, or consume alcoholic beverages
on the licensed premises (June 3, 2007).

(First, Category III)

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

AGGRAVATION

Multiple employees were involved in the violation.

7. Six, LLC
Mike Hillyer, Managing Member
SIX ULTRA LOUNGE (FCOM)
248 Liberty Street NE
Salem OR 97301
(24-35938-FCOM)

ORS 471.360 (1)(b) - Licensee permitted employees James Lorange and Elysa Malangone, to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about July 13, 2007 to about October 3, 2007).

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

AGGRAVATION

Two employees were involved in the violation.

(First, Category III)

8. **BERNADETTE A. CRAIG**
Service Permit No. 274420

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

\$300 CIVIL PENALTY - OR - 12-DAY SUSPENSION

Note: Permittee Craig was charged with this violation by Notice dated October 2, 2007. Permittee originally requested a hearing along with the Licensee. Permittee now withdraws her request.

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

(First, Category III)

AGGRAVATION

Permittee Craig was personally involved in the disorderly activity.

Note: The Licensee was also charged with this violation by Notice dated October 2, 2007. Licensee has requested a hearing. Employee Judith Hillman was also charged with this violation by Notice dated October 2, 2007. Ms. Hillman served a 12-day suspension.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

9. Roxanne, Inc.
Robert McInturff, Pres/Dir/Stkhldr
Roxanne McInturff, Sec/Treas/Stkhldr
THE RAINBOW MARKET (O)
Warm Springs Star Route
Madras OR 97741
(16-05696-O)

OAR 845-006-0347 (5)(a) - Licensee's employee Breanna Knouf permitted persons to drink alcohol in the parking lot that Licensee controls that is associated with The Rainbow Market (May 16, 2007).

(Third, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated July 10, 2007. The proposed sanction, considering aggravation, was a 32-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Breanna Knouf permitted multiple persons to drink alcohol in the parking lot of The Rainbow Market.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension. This violation was Licensee's third Category III violation. Any subsequent violation of this type within the same two-year period will be charged at the fourth level.
2. The Public Safety Program originally proposed the standard sanction of a 30-day suspension and added two days for aggravation because Licensee's employee permitted multiple persons to drink alcohol in the parking lot of The Rainbow Market, for a total of a 32-day suspension.
3. The Commission will reduce the standard sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will serve a 23-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 21, 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 January 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. Sun Enterprises, Inc.
Ko Sheng Sun, Pres/Dir/Stkhldr
Cheng Hua Sun, Sec/Dir/Stkhldr
DRAGON INN (FCOM)
14411 SE McLoughlin Blvd
Milwaukie OR 97222
(03-11648-FCOM)

ORS 471.360 (1)(b) - Licensee permitted Michael Dang, Chen Hua Sun, and Ko Sheng Sung to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about June 7, 1999 to about August 29, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 11, 2007. The proposed sanction, considering aggravation and mitigation, was a \$4,290 civil penalty or a 26-day suspension. Licensee requests to enter into this Settlement Agreement.

AGGRAVATION

1. Three persons were involved in this violation.
2. Corporate Principals Chen Hua Sun and Ko Sheng Sun were personally involved in the violation.
3. Michael Dang, Chen Hua Sun, and Ko Sheng Sun each worked for over six months without a valid service permit.
4. Chen Hua Sun and Ko Sheng Sun each made efforts to conceal the violation.

MITIGATION

Licensee has a lengthy record of good compliance.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This 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, subtracted two days for mitigation because of Licensee's lengthy record of good compliance, and added 18 days for aggravation because three persons were involved in this violation; Corporate Principals Chen Hua Sun and Ko Sheng Sun were each personally involved in the violation; Michael Dang, Chen Hua Sun, and Ko Sheng Sun each worked for over six months without a valid service permit; and Chen Hua Sun and Ko Sheng Sun each made efforts to conceal the violation, for a total of a 26-day suspension or a \$4,290.00 civil penalty.
3. The Commission will withdraw the four days of aggravation for Chen Hua Sun and Ko Sheng Sun each making efforts to conceal the violation.
4. The Commission will reduce the remaining sanction by three days. This is equivalent to a 30% reduction of the standard sanction.

5. Licensee will pay a \$3,135.00 civil penalty before 5:00 PM on January 24, 2008 **or** serve a 19-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 17, 2008.
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 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 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

11. St. Josef's Wine Cellar, Inc.
Josef Fleischmann, Pres/Stkhldr
Lilli Fleischmann, VP/Stkhldr
Tara Fleischmann (aka Tara McKnight),
Secretary
Kirk Fleischmann, Director
ST. JOSEF'S WINE CELLAR (WY)
28836 S Barlow
Canby OR 97013
(03-12232-WY)

Violation Number One
ORS 471.360 (1)(b) - Licensee permitted
Carl McKnight to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about February 1996 to about May
12, 2007).

(First, Category III)

Violation Number Two
OAR 845-006-0345 (5) - Corporate
Principal Tara Fleischmann (aka Tara
McKnight) permitted patrons to leave the
licensed premises with open containers of
alcoholic beverages (May 12, 2007).

(First, Category V)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by
Notice dated November 16, 2007. The proposed
sanction, considering aggravation, was a \$3,465
civil penalty or a 21-day suspension. Licensee
requests to enter into this Settlement Agreement.

AGGRAVATION

1. Corporate Principals Lilli Fleischmann and Tara
McKnight made efforts to conceal Violation Number
One.
2. Carl McKnight worked over six months without a valid
service permit.
3. Multiple patrons were allowed to leave the licensed
area with open containers of alcoholic beverages.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty dated November 16, 2007. These were the Licensee's first Category III and Category V violations 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 for Violation Number One and a three-day suspension or \$495.00 civil penalty for Violation Number Two, and added eight days for aggravation, for a total sanction of a \$3,465.00 civil penalty or 21-day suspension.
3. The Commission's Public Safety Program will reduce the sanction by four days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$2,805.00 by 5:00 PM on January 24, 2008 **or** serve a 17-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 15, 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 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.

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

12. Harish Gangar
TALENT ARCO (aka TALENT SHELL) (O)
301 W Valley View Road
Talent OR 97540
(15-24589-O)

OAR 845-006-0335 (1)(a)(b)(c) -
Licensee Harish Gangar failed to verify
the age of an OLCC minor decoy before
allowing the minor to buy or be served
alcohol when she reasonably appeared to
be under 26 years of age (July 11, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated October 1, 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 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 originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days of aggravation because Licensee was personally involved in the 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), by January 3, 2008 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 the 10-day suspension or \$1,650.00 civil penalty. Licensees will run all alcohol sales through registers at which age verification equipment is installed.
4. Licensee will pay a \$330.00 civil penalty before 5:00 PM on January 24, 2008 or serve a 2-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on January 31, 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 January 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

13. The Uptown Billiard Club, Inc.
Kent Lewis, Pres/Sec/Stkhldr
Joelle Lewis, Stkhldr
THE UPTOWN BILLIARD CLUB (FCOM)
120 NW 23rd Avenue
Portland OR 97210
(26-23236-FCOM)

ORS 471.360 (1)(b) - Licensee permitted
Dejene Taye to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about October 2004 to about
October 6, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated November 7, 2007. The proposed
sanction, considering aggravation and mitigation,
was a \$1,650 civil penalty or a 10-day
suspension. Licensee requests to enter into this
Settlement Agreement.

AGGRAVATION

Dejene Taye worked for over six months without a valid
service permit.

MITIGATION

Licensee has a lengthy record of good compliance.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This 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, subtracted two days for mitigation because of Licensee's lengthy record of good compliance and added two days for aggravation because Dejene Taye worked for over six months without a valid service permit, for a total of a 10-day suspension or a \$1,650.00 civil penalty.
3. The Commission will reduce the remaining sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$1,155.00 civil penalty before 5:00 PM on January 24, 2008 or serve a seven-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 5, 2008. [Licensee paid the \$1,155.00 civil penalty on December 24, 2007.]
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 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 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. Wink's Sports Pub & Pizza, Inc.
Nicholas Eklund, Pres/Dir/Stkhldr
Linda Caldwell, Sec/Treas
WINK'S SPORTS PUB & PIZZA (FCOM)
3240 S Troutdale Road
Troutdale OR 97060
(26-22579-FCOM)

OAR 845-006-0347 (5) - Licensee
permitted patrons to drink alcoholic
beverages in the premises parking lot
(June 13, June 27, and July 11, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 16, 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. Licensee permitted multiple patrons to drink alcohol in its parking lot.
2. The violation occurred on three occasions.
3. The violation was intentional

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 eight days of aggravation because Licensee permitted multiple patrons to drink alcohol in its parking lot, the violation occurred on three occasions, and the violation was intentional. The total proposed penalty was an 18-day suspension or \$2,970.00 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 \$2,475.00 by 5:00 PM on January 24, 2008 or serve a 15-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 13, 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 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 January 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

15. Hawthorne Entertainment, Inc.
Nicholas J. Yannariello, Pres/Dir/Stkhldr
Jeff M. Brown, Secretary
Debra Ann McNab, Treasurer
Michael R. Thrasher, Dir/Stkhldr
Nicholas B. Yannariello, Dir/Stkhldr
HAWTHORNE THEATER (FCOM)
1507 SE 39th Avenue
Portland OR 97214
(26-27303-FCOM)

OAR 845-006-0347 (4)(a) - Licensee's employee Jim Stroup failed to evict three patrons when he knew those patrons had engaged in noisy, disorderly, or unlawful activities (October 5, 2007).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated November 28, 2007. The proposed sanction, considering aggravation, was a \$1,815 civil penalty or an 11-day suspension. Licensee requests to enter into this Settlement Agreement.

AGGRAVATION

1. Jim Stroup failed to evict more than one patron.
2. The violation was intentional.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. The violation was Licensee's first Category IV violation. Any subsequent violation of this type within the same two-year period will be charged at the second level.
2. Staff originally proposed the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty and added four days for aggravation because Jim Stroup failed to evict more than one patron and because the violation was intentional, for a total sanction of an 11-day suspension or a \$1,815.00 civil penalty.
3. The Commission will reduce the sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on January 24, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 7, 2008.
5. If Licensee's interest in the license expires before the Commission issues a final order on this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Licensee's Commission file and may be considered in any future application for a liquor license by the Licensees.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 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

16. Blachana LLC
JNC Properties LLC, Member
aka Blachana LLC (Janet Penner, Member)
PORTSMOUTH PIZZA & PUB (FCOM)
5262 N Lombard Avenue
Portland OR 97203
(26-00175-FCOM)

ORS 471.360 (1)(b) - Licensee permitted
Cindy Benton to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about April 3, 2007 to about August
24, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated November 7, 2007. The proposed
sanction, considering aggravation, was a \$1,980
civil penalty or a 12-day suspension. Licensee
has requested to enter into this Settlement
Agreement.

AGGRAVATION

Licensee received a prior warning from the Commission
regarding service permits.

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 received a prior warning from the Commission regarding service permits. 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 January 24, 2008 or serve a nine-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 7, 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 January 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. April 29, LLC
Mark Jacobs, Member
Arianna Staruch, Member
Christina Gong, Member
BLUE WATER GRILL (FCOM)
210 S First
Rockaway Beach OR 97136
(29-21953-FCOM)

ORS 471.360 (1)(b) - Licensee permitted Paige Otte to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about September 3, 2007 to about October 26, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated December 28, 2007. 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

Licensee received a prior warning for permitting a person to mix, sell, or serve alcoholic beverages, or to supervise those who do, without a valid service permit on June 28, 2007.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty dated December 28, 2007. 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 and added two days of aggravation because Licensee received a prior warning regarding service permits, 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 January 24, 2008 or serve a nine-day suspension beginning at 7:00 AM on January 29, 2008 and ending at 7:00 AM on February 7, 2008.
5. If Licensee's interest in the license expires before the Commission issues a final order on this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Licensee's Commission file and may be considered in any future application for a liquor license by the Licensee.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their January 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.