

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

June 12, 2008

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. Happy Garden Buffet, Inc. Kai Lin, President/Director/Stockholder Bonnie Leung, Vice President/Dir/Stkhldr Peter Leung, Secretary/Director HAPPY GARDEN BUFFET (F-COM) 1575 Mt. Hood Avenue, #130 Woodburn OR 97071 (24-42119-FCOM)	<u>Violation Number One</u> OAR 845-006-0335 (3)(b) – Licensee permitted two minors to be on the licensed premises or in an area of the licensed premises prohibited to minors (March 7, 2008). (First, Category IV)	\$2,640 CIVIL PENALTY – OR – 16-DAY SUSPENSION <u>AGGRAVATION</u> Two minors were involved in Violation Number One, both of whom were juveniles at the time of the violation.
2. Mun Corporation Jong Suk Mun, President/Stockholder Hean Guk Lee, Vice President/Stkhldr Young Kye Kim, Secretary/Stockholder DENNIS MARKET (O) 425 NW Saltzman Road Portland OR 97229 (34-18855-O)	<u>Violation Number Two</u> OAR 845-006-0345 (5) – Licensee permitted a patron to take an open container of alcoholic beverages off of the licensed premises (March 7, 2008). (First, Category V) OAR 845-006-0335 (1)(a)(b)(c) – Corporate Principal Jong Suk Mun failed to verify the age of a Washington County Sheriff’s Office minor decoy when she reasonably appeared to be under 26 years of age (December 18, 2007). (First, Category III)	\$330 CIVIL PENALTY – OR – 2-DAY SUSPENSION (Licensee paid the \$330 civil penalty on April 11, 2008.) <u>AGGRAVATION</u> Corporate Principal Jong Suk Mun personally committed this violation. <u>MITIGATION</u> Licensee has installed and will use age verification equipment in accordance with OAR 845-009-0140.

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| <p>3. Stockman's #1, Inc.
 Weiming He, President/Director/Stkhldr
 Shaomei He, Director/Stockholder
 STOCKMAN'S BAR (F-COM)
 2028 Main Street
 Baker City OR 97814
 (01-28545-FCOM)</p> | <p>OAR 845-006-0335 (1)(a)(b)(c) –
 Licensee's employees Lisa Culley and
 Casey Campbell 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 (January 20, 2008).</p> | <p>\$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION
 AND REMOVAL FROM RESPONSIBLE VENDOR
 PROGRAM</p> <p>(Licensee paid the \$1,980 civil penalty on May 12, 2008.)</p> |
| | <p>(First, Category III)</p> | <p><u>AGGRAVATION</u>
 Two employees were involved in this violation.</p> |
| | <p>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
 standards in place and
 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).</p> | |
| <p>4. The Cheesecake Factory Restaurants, Inc.
 David Overton, Director
 Russell Bendel, President
 Debby Zurzolo, Vice President/Sec/Dir
 Michael Dixon, Treasurer/Director
 The Cheesecake Factory, Inc., Stkhldr
 THE CHEESECAKE FACTORY (F-COM)
 9309 Washington Square Road
 Tigard OR 97223
 (34-39964-FCOM)</p> | <p>ORS 471.360 (1)(b) – Licensee permitted
 Daniel Hahn to sell, mix, or serve
 alcoholic beverages, or supervise those
 who do, without a valid service permit
 (from about March 26, 2007 to about
 February 16, 2008).</p> | <p>\$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION</p> <p>(Licensee paid the \$1,980 civil penalty on May 13, 2008.)</p> |
| | <p>(First, Category III)</p> | <p><u>AGGRAVATION</u>
 Daniel Hahn worked for over six months without a valid
 service permit.</p> |
| <p>5. El Rio Nilo, LLC
 Amerimex, LLC, Managing Member
 EL RIO NILO (L)
 3180 Lancaster Drive NE
 Salem OR 97305
 (24-29205-L)</p> | <p>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 of the establishment in
 the immediate vicinity of the premises.</p> | <p>LICENSE CANCELLATION</p> |
| | <p>From August 6, 2007 to January 26,</p> | |

2008, there were 14 incidents at the premises, nine of which were serious. Disturbances at the premises have included physical and verbal altercations that have occurred inside the licensed premises and in areas that Licensee controls outside the premises. Many incidents have occurred in the premises parking lot, which is not adequately monitored. Patrons and premises staff have sustained injuries. There has also been damage to property. Several incidents have involved suspected gang activity. Over-service of alcohol appears to be contributing to the problems at the premises; many of the persons involved in the incidents have been intoxicated.

(First, Category I)

6. Prayland, Inc.
Jeff T. Jenness, President/Director/Stkhldr
Huston Ann Davis, Treasurer/Dir/Stkhldr
THE BRAZEN BEAN (F-COM)
2075 NW Glisan
Portland OR 97209
(26-23761-FCOM)

Violation Number One

ORS 471.360 (1)(b) – Licensee permitted its employees Joel J. Strong and Huston Ann Davis to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about March 22, 1999 to about February 27, 2008).

(First, Category III)

Violation Number Two

OAR 845-006-0365 (1) – Licensee issued checks from The Brazen Bean to Mt. Hood Beverage Company, a wholesale licensee, for alcohol products. The checks were returned for non-sufficient funds (November 8, 2007, November 15, 2007, and November 27, 2007).

(First, Category V)

\$3,135 CIVIL PENALTY – OR – 19-DAY SUSPENSION

AGGRAVATION

1. Two employees were involved in Violation Number One, one of whom was Corporate Principal Huston Ann Davis.
2. Corporate Principal Huston Ann Davis did not have a valid service permit for about nine years.
3. Multiple checks were returned for non-sufficient funds.

MITIGATION

Licensee has a lengthy record of compliance.

7. Silver River, Inc.
Da Ming Lao, President/Stockholder
Hao Huan Tan, VP/Sec/Treas/Stkhldr
HUANG'S VILLAGE (L)
88114-6 Territorial Road
Veneta OR 97487
(20-36617-L)
- OAR 845-006-0335 (1)(a)(b)(c) –
Corporate Principal Hao Huan Tan 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 7, 2008).
- (First, Category III)
- \$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION**
- AGGRAVATION
Corporate Principal Tan was personally involved in the
violation.
8. In Soon Kim
TOWN DELI & GROCERY (O)
2036 SE Monroe Street
Milwaukie OR 97222
(03-17459-O)
- OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Kooi Shin Lee failed
to verify the age of a Milwaukie Police
Department minor decoy before allowing
her to buy or be served an alcoholic
beverage when she reasonably appeared
to be under 26 years of age (January 4,
2008).
- (First, Category III)
- \$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION**
- AGGRAVATION
Licensee has previously been allowed to purchase age
verification equipment as a full offset to a penalty for a
previous failure to verify the age of a minor. The age
verification equipment was not used to prevent the current
violation.
9. Low Pass Market, LLC
Sukhwinder Singh, Member
Jaskaran Singh, Member
Lakhvir Atwal, Member
LOW PASS STATION AND MARKET (O)
22501 Highway 36
Cheshire OR 97419
(20-04453-O)
- OAR 845-006-0335 (1)(a)(b)(c) – Member
Jaskaran Singh 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 7,
2008).
- (First, Category III)
- \$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION**
- AGGRAVATION
Member Jaskaran Singh personally committed this
violation.
10. Jesus Ayala
Leda Ayala
LA SORPRESA (O)
12555 SW Main Street
Tigard OR 97223
(34-37796-O)
- OAR 845-006-0365 (1) – Licensees paid
for alcoholic beverages purchased from
General Distributors, a wholesale
licensee, with a check that was returned
for non-sufficient funds (February 15,
2008).
- (First, Category V)
- \$825 CIVIL PENALTY – OR – 5-DAY SUSPENSION**
- AGGRAVATION
Licensees received a Notice of Warning regarding
payment for alcoholic beverages with nonsufficient funds
on August 30, 2007.

11. Favorite Foods International, Inc.
Supree Smithynunta, President/Dir/Stkhldr
**SWEET BASIL THAI CUISINE ON
BROADWAY (F-COM)**
3135 NE Broadway
Portland OR 97232
(26-19092-FCOM)

ORS 471.360 (1)(b) – Licensee permitted its employees Melissa Allred and Eric Lawrenson to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about April 24, 2006 to about March 4, 2008).

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

AGGRAVATION

1. Two employees were involved in the violation.
2. Melissa Allred did not have a valid service permit for over six months.

(First, Category III)

12. Lisa Wiggs
Michael Wiggs
OREGON SUNSHINE ESPRESSO (O)
340 N Main Street
Canyonville OR 97417
(10-41499-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensee Lisa Wiggs 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 21, 2008).

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

AGGRAVATION

Licensee Lisa Wiggs was personally involved in the violation.

(First, Category III)

13. Global Business Management 1, LLC
Junaib Ahmed Rizvi, Member
MULINO STORE (O)
26611 South Hwy 213
Mulino OR 97042
(03-02520-O)

Violation Number One
OAR 845-006-0475 (2)(a) – Licensee allowed Mulino Store Enterprises, Inc. to maintain an interest in a licensed business, Mulino Store, without prior Commission approval (from about May 30, 2007 to about January 22, 2008).

LICENSE CANCELLATION

(First, Category I)

Violation Number Two
ORS 471.351 (1) – Licensee failed to produce all requested books and records for examination by an employee of the Commission after receiving at least a 72-hour notice of the Commission's intent to examine books and records (January 22, 2008).

(First, Category IV)

14. Guild's Lake, LLC
 Nina Lyons, Managing Member
 Brian McAdams, Member
GUILD'S LAKE INN (L)
 3271 NW 29th Avenue
 Portland OR 97214
 (26-14001-L)
- ORS 471.360 (1)(b) – Licensee permitted Member Brian McAdams to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about October 22, 2006 to about February 19, 2008).
- (First, Category III)
- \$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION**
- AGGRAVATION
1. Member Brain McAdams was personally involved in this violation.
 2. Brian McAdams worked for over six months without a valid service permit.
- MITIGATION
- Licensee has a lengthy record of good compliance.
- \$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION**
- (Licensee paid the \$1,980 civil penalty on May 16, 2008.)
- AGGRAVATION
- Masato Takahashi worked for over six months without a valid service permit.
15. Marinepolis USA, Inc.
 Nobuo Yamanoi, President/Director
 Teruo Takahashi, Vice President/Director
 Wayne Diamond, Vice President/Director
 Timothy Reimer, Secretary
 Takamitsu Yamanoi, Director
 Marinepolis Co., Ltd, Stockholder
MARINEPOLIS SUSHI LAND (F-COM)
 138 NW 10th Avenue
 Portland OR 97209
 (26-39938-FCOM)
- ORS 471.360 (1)(b) – Licensee permitted Masato Takahashi to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about September 1, 2007 to about March 13, 2008).
- (First, Category III)
- \$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION**
- (Licensee paid the \$1,980 civil penalty on May 16, 2008.)
- AGGRAVATION
- Masato Takahashi worked for over six months without a valid service permit.
16. Mui Brothers, Inc.
 Wing Kin Mui, President/Dir/Stkhldr
 Wing Wai Mui, Secretary/Dir/Stkhldr
 Rong Liang Mei, Treasurer/Dir/Stkhldr
REPUBLIC CAFÉ & MING LOUNGE (F-COM)
 222 NW 4th Avenue
 Portland OR 97209
 (26-00156-FCOM)
- ORS 471.360 (1)(b) – Licensee permitted Marie Sasaki to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about September 8, 2007 to about March 13, 2008).
- (First, Category III)
- \$1,650 CIVIL PENALTY – OR – 10-DAY SUSPENSION**
- (Licensee paid the \$1,650 civil penalty on May 28, 2008.)
- AGGRAVATION
- Marie Sasaki worked for over six months without a valid service permit.
- MITIGATION
- Licensee has a lengthy record of good compliance.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

17. Pamela Richardson
Scott Richardson
ARLINGTON MART (O)
140 W. Arlington Street
Gladstone OR 97027
(03-24860-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee Pamela Richardson failed to
verify the age of a Clackamas 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
(December 28, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by
Notice dated February 21, 2008. The proposed
sanction, considering aggravation and mitigation,
was a \$1,650 civil penalty or a 10-day
suspension. Licensees requested a hearing and
now wish to withdraw that request to enter into
this Settlement Agreement.

AGGRAVATION

Licensee Pamela Richardson was personally involved in
this violation.

MITIGATION

Licensees have a lengthy history of compliance.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This was Licensees' 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, added two days of aggravation because Licensee Pamela Richardson was personally involved in the violation, and mitigated the penalty two days because Licensees have a lengthy history of compliance with the Commission, for a total sanction of a 10-day suspension or a \$1,650.00 civil penalty.
3. Licensees will install age verification equipment, as defined in OAR 845-009-0140(1)(c), by June 1, 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. Licensees will receive a Letter of Reprimand for this violation.
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 this violation. 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. The agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their June 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.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

18. RT Portland Franchise, LLC
Steven Merrill, Managing Member
RUBY TUESDAY (F-COM)
14550 SW Murray Scholls Drive
Beaverton OR 97007
(34-29283-FCOM)

ORS 471.360 (1)(b) – Licensee permitted Pamela Dunn, Valerie Bidgood, and Robert Sproul to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about February 8, 2007 to about March 5, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated April 21, 2008. The proposed sanction, considering aggravation, was a \$2,970 civil penalty or an 18-day suspension. Licensee wishes to enter into this Settlement Agreement.

(Licensee paid the \$2,475 civil penalty on June 5, 2008.)

AGGRAVATION

1. Three employees were involved in the violation.
2. Pamela Dunn and Valerie Bidgood did not have valid service permits for over six months.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension or 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 three employees were involved in the violation, two of whom did not have valid service permits for over six months. The total proposed penalty was an 18-day suspension or a \$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 June 23, 2008 **or** serve a 15-day suspension beginning at 7:00 AM on June 28, 2008 and ending at 7:00 AM on July 13, 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 the 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 June 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

19. McCormick & Schmick Restaurant Corporation
Douglas Schmick, President/Director
Emanuel Hilario, VP/Treas/Sec/Director
McCormick & Schmick Acquisition Corporation, Stockholder
**GOVERNOR HOTEL/JAKE'S GRILL/
JAKE'S CATERING (F-COM)**
611 SW 10th Avenue
Portland OR 97205
(26-21110-FCOM)

ORS 471.360 (1)(b) – Licensee permitted Nicole Garner, Michael McCoy, Susan Morrison, Amanda Vanzandt, and Daniel Ean Wright to mix, sell, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about July 12, 2006 to February 28, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated April 14, 2008. The proposed sanction, considering aggravation and mitigation, was a \$3,300 civil penalty or a 20-day suspension. Licensee wishes to enter into this Settlement Agreement.

AGGRAVATION

1. Five employees were involved in the violation.
2. Susan Morrison and Amanda Vanzandt did not have valid service permits for over six months.

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 and added twelve days of aggravation because five employees were working without service permits, two of whom worked for over six months without a service permit, and mitigated the sanction two days for a lengthy record of compliance, for a total sanction of a 20-day suspension or a civil penalty of \$3,300.00.
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 \$2,805.00 by 5:00 PM on June 23, 2008 or serve a 17-day suspension beginning at 7:00 AM on June 28, 2008 and ending at 7:00 AM on July 15, 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 June 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

20. Danee Dunn
MIRAGE CAFÉ & LOUNGE (F-COM)
605 1st Street
Adrian OR 97901
(23-6655-FCOM)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employee Lucinda Borge
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 (February 1, 2008).

(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
standards in place 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).

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated May 2, 2008. The proposed
sanction, considering mitigation, was a \$1,320
civil penalty or an eight-day suspension and
removal from the responsible vendor program.
Licensee wishes to enter into this Settlement
Agreement.

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 and Removal from Responsible Vendor Program. 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 mitigated the sanction by two days because Licensee has a lengthy record of compliance, for a total sanction of an eight-day suspension or a civil penalty of \$1,320.00.
3. Licensee will install 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. Licensee will provide proof of purchase of the equipment by May 30, 2008.
4. Licensee is removed from the Responsible Vendor Program. Licensee may reapply one year after the ratification of this Agreement.

5. The Commission will allow the Licensee to purchase age verification equipment in lieu of the suspension or civil penalty assessed for the violation.
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 June 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.