

# ADMINISTRATIVE POLICY & PROCESS DIVISION

## VIOLATION CASES TO BE RATIFIED BY COMMISSION

March 17, 2008

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION &amp; COMMENTS</u>
1. Croutons, Inc. Barton Butler, President/Director/Stkhldr Tara Butler, Vice President/Director <b>CROUTONS (L)</b> 335 SW Century Drive Bend OR 97702 (09-37671-L)	ORS 471.360 (1)(b) – Licensee permitted Angela Gravelle, Elijah Myers, and Valerie Nelson to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about July 31, 2007 to about November 24, 2007).  (First, Category III)	<b>\$2,310 CIVIL PENALTY – OR – 14-DAY SUSPENSION</b>  <u>AGGRAVATION</u> Three employees were involved in the violation.
2. Ises Inn Between Corporation Iyaz Saeed, President/Stockholder Elaine Saeed, Secretary/Stockholder <b>INN BETWEEN STEAKHOUSE (F-COM)</b> 67858 East Highway 26 Welches OR 97067 (03-02448-FCOM)	ORS 471.360 (1)(b) – Licensee permitted Colene Flood to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about August 20, 2005 to about October 18, 2007).  (First, Category III)	<b>\$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION</b>  (Licensee paid the \$1,980 civil penalty on February 12, 2008.)  <u>AGGRAVATION</u> Colene Flood worked for over six months without a valid service permit.
3. Edgar Volkens Patricia Volkens <b>THE LAST FRONTIER (F-COM)</b> 1234 Main Street Sweet Home OR 97386 (22-40489-FCOM)	<u>Violation Number One</u> OAR 845-006-0335 (3)(a) – Licensees' employee, Colleen Healy, permitted a minor to buy, be served or drink alcoholic beverages on the licensed premises (January 1, 2007).	<b>LETTER OF REPRIMAND</b>  Note: Licensees originally requested a hearing and withdrew that request on January 31, 2008. Because Licensees no longer have an interest in the business effective January 23, 2008 and therefore no longer hold a liquor license, the

(First, Category III)

Violation Number Two

OAR 845-006-0335 (3)(b) – Licensees' employees, Michael Epstein and Colleen Healy, permitted three minors to be on the licensed premises or an area of the licensed premises which is prohibited to minors (January 1, 2007).

(First, Category IV)

4. Global Investment Group, Inc.  
Yannal Naim Al-Attrash, President/Stkhldr  
Marty Liesegang, Vice Pres/Sec/Stkhldr  
**ROADRUNNER GAS & GROCERY (O)**  
52023 S. Columbia River Highway  
Scappoose OR 97056  
(05-16589-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensee's employee, Chelsea Wagner, failed to verify the age of two minors before allowing them to buy or be served an alcoholic beverage when they reasonably appeared to be under 26 years of age (July 9, 2007).

(First, Category III)

Public Safety Program recommends the Commission issue Licensees a Letter of Reprimand. This reprimand will become a permanent part of the Licensees' Commission file and would be considered in any future application for a liquor license by the Licensees.

AGGRAVATION

1. Violation number two involved three minors.
2. Violation number two involved two employees.

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

(Licensee paid the \$1,980 civil penalty on March 10, 2008.)

AGGRAVATION

1. Two minors were involved in the violation.
2. Chelsea Wagner failed to verify one of the minor's age on two occasions.

MITIGATION

Licensee has a lengthy history of compliance.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

5. Snowman, Inc.  
James Snowadski, President/Stockholder  
**STANDING ROOM ONLY (F-COM)**  
400 NW Miller Avenue  
Gresham OR 97030  
(26-19660-FCOM)

ORS 471.360 (1)(b) – Licensee permitted James Loitved to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about February 15, 2007 to about November 23, 2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated January 4, 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

James Loitved 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 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 James Loitved worked for over six months without a valid service permit, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. The Commission will reduce the standard sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on March 27, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on April 1, 2008 and ending at 7:00 AM on April 10, 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 March 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

6. Gino's Restaurant, Inc.  
Marc Accuardi, Pres/Tres/Dir/Stkhldr  
Deborah Accuardi, VP/Sec/Dir/Stkhldr  
**GINO'S RESTAURANT & BAR (F-COM)**  
8051 SE 13<sup>th</sup>  
Portland OR 97202  
(26-05014-FCOM)

ORS 471.360 (1)(b) – Licensee permitted Benjamin Stockman to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about August 2006 to about August 16, 2007).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated October 4, 2007. The proposed sanction, considering aggravation and mitigation, was a \$1,650 civil penalty or a 10-day suspension. Licensee now wishes to enter into this Settlement Agreement.

#### AGGRAVATION

Benjamin Stockman 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 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 subtracted two days for mitigation because Licensee has a lengthy record of good compliance and added two days for aggravation because Benjamin Stockman 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 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 March 27, 2008 **or** serve a seven-day suspension beginning at 7:00 AM on April 1, 2008 and ending at 7:00 AM on April 8, 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 March 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

7. JDMC Enterprises, LLC  
Daniel M. Coté, Member  
Jennifer M. Coté, Member  
Silverton Inn, LLC  
Douglas DeGeorge, Member  
Elaine DeGeorge, Member  
**FRATELLO'S (F-COM)**  
310 N Water Street  
Silverton OR 97381  
(24-41178-FCOM)
- ORS 471.410 (2) – Licensees' employee, Kyle Atkinson Dolan, knowingly sold, gave or otherwise made available alcoholic liquor to three persons under the age of 21 years. Kyle Atkinson Dolan is not the parent or guardian of any of the three minors (December 26, 2006).
- (First, Category III)

### SETTLEMENT AGREEMENT

**Note:** Licensees were charged with this violation by Notice dated September 18, 2007. The proposed sanction, considering aggravation, was a \$2,640 civil penalty or a 16-day suspension. JDMC requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

(JDMC paid the \$990 civil penalty on February 25, 2008.)

### AGGRAVATION

Three minors were involved in the violation, one of whom was a juvenile.

### TERMS OF AGREEMENT

1. JDMC accepts responsibility on its compliance record 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 violations of this type within the same two-year period will be charged at the second level in Category III.
2. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty, and added six days aggravation because three minors were involved in the violation, one of whom was a juvenile, for a total sanction of a 16-day suspension or a \$2,640.00 civil penalty.
3. JDMC will install age verification equipment, as defined in OAR 845-009-0140(1)(c), by March 4, 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 10 days of the suspension or \$1,650.00 of the civil penalty. Licensees will run all alcohol sales through registers at which the age verification equipment is installed.
4. JDMC will pay a \$990.00 civil penalty before 5:00 PM on March 27, 2008 **or** serve a 6-day suspension beginning at 7:00 AM on April 1, 2008 and ending at 7:00 AM on April 7, 2008.
5. JDMC withdraws the request for a hearing.
6. If JDMC's interest in the license expires before the Commission issues a final order on this allegation, JDMC agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of JDMC's Commission file and may be considered in any future application for a liquor license by JDMC.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 2008

Commission meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and JDMC's hearing rights will be restored.