

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

May 12, 2008

<u>LICENSEE/PERMITTEE</u>	<u>VIOLATION</u>	<u>SANCTION & COMMENTS</u>
1. BTB Larson Group LLC Bradley Moir, Member Timothy Moir, Member BTB LARSON GROUP (O) 8517 SW Terwilliger Portland OR 97219 (26-27534-O)	OAR 845-006-0335 (1)(a)(b)(c) – Licensee’s employee Kyle Drebes 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 22, 2007). (Second, Category III)	34-DAY SUSPENSION – OR – \$4,950 CIVIL PENALTY – AND – 4-DAY SUSPENSION <u>AGGRAVATION</u> 1. 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 the current violation. 2. BTB Larson Group has the reputation of selling alcohol to minors.
2. Toor Corporation Sukhjit Toor, President Rajkinan Toor SHELL FOOD MART (O) 486 E. Main Estacada OR 97023 (03-35896-O)	OAR 845-006-0335 (1)(a)(b)(c) – Licensee’s employee Singh Ranjit 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) 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	\$1,650 CIVIL PENALTY – OR – 10-DAY SUSPENSION AND REMOVAL FROM RESPONSIBLE VENDOR PROGRAM (Licensee paid the \$1,650 civil penalty on March 19, 2008.) <u>AGGRAVATION</u> 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 the current violation. <u>MITIGATION</u> Licensee has a lengthy record of good compliance.

longer eligible for reduced sanctions based on Category III(a).

3. 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) – Licensees’ employees Woo Yang and Lorin Papa 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 (December 18, 2007).

\$1,980 CIVIL PENALTY – OR – 12-DAY SUSPENSION AND REMOVAL FROM RESPONSIBLE VENDOR PROGRAM

AGGRAVATION

Two employees were involved in this violation.

(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 and aggravating circumstances were involved 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).

4. Doris Ringgenberg
Harold Ringgenberg
D & H TEXACO (O)
539 NW 6th
Redmond OR 97756
(09-19125-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensees’ employee LaRae Monical 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 10, 2008).

\$1,320 CIVIL PENALTY – OR – 8-DAY SUSPENSION AND REMOVAL FROM RESPONSIBLE VENDOR PROGRAM

(Licensees paid the \$1,320 civil penalty on April 23, 2008.)

MITIGATION

Licensees have a lengthy record of compliance.

(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).

5. CPH Corporation
Peggy St. John, President/Dir/Stkhldr
Mark Hathaway, Secretary/Dir/Stkhldr
Karlton Durkheimer, VP/Director/Stkhldr
Jeannine Durkheimer, Stockholder
IRON HORSE RESTAURANT (F-COM)
6034 SE Milwaukie Ave
Portland OR 97202
(26-05206-FCOM)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employees Gael Strickland
and Denise Corsetti failed to verify the
age of a Portland Police Bureau minor
decoy before allowing him to buy or be
served an alcoholic beverage when he
reasonably appeared to be under 26
years of age (December 12, 2007).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) – Licensee permitted
Gael Strickland to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about February 13, 2007 to about
December 12, 2007).

(Second, Category III)

6. BP West Coast Products LLC
BP Products North America, Inc., Member
Donald G. Strenk, President
John R. Thomas, Executive VP
Thomas L. Taylor, Vice President/CFO
James A. Dietz, Vice President
Debra A. Plumb, Secretary
Robert J. Novaria, Treasurer
ARCO AM PM (GREENWOOD) (O)
304 NE Greenwood
Bend OR 97701
(09-27766-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee’s employees Andrew Poreider,
Sr. and Joe Joseph, Jr. 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 26, 2008).

(First, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at

\$3,630 CIVIL PENALTY – OR – 22-DAY SUSPENSION

AGGRAVATION

1. Two employees were involved in Violation Number One.
2. Gael Strickland worked for over six months without a valid service permit.

MITIGATION

1. Violation Numbers One and Two will both be charged at the first level because they were discovered concurrently.
2. Licensee has a lengthy record of compliance.

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

(Licensee paid the \$1,650 civil penalty on March 28,
2008.)

AGGRAVATION

Two employees were involved in the violation.

MITIGATION

Licensee has a lengthy record of compliance.

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).

7. La Morenita Ricos Tacos, Inc.
Juan Lopez Marin, President/Dir/Stkhldr
Teresa Ramirez Magana, Secretary/
Treasurer/Director/Stockholder
LA MORENITA (O)
5990 SW 185th Avenue Suite D
Aloha OR 97007
(34-39394-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensee’s employee Erika Ramirez Rangel 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 (December 18, 2007).

(Second, Category III)

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

(Licensee paid the \$4,950 civil penalty on April 2, 2008 and will serve the two-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on May 29, 2008.)

AGGRAVATION

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 the current violation.

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

OAR 845-006-0347 (2)(a) – Licensee permitted disorderly activities on the licensed premises and in areas the Licensee controls that are adjacent to or outside the premises when his employee Jay Lee pushed patron Troy Stober and hit him on the head with a pool cue (February 6, 2008).

(Third, Category III)

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

AGGRAVATION

This violation resulted in injury to the patron.

MITIGATION

This violation will be charged at the second level since it occurred on the same evening as the second violation.

9. Siva, LLC
Panna Patel, Member
WESTSIDE TEXACO FOOD MART (O)
912 NW Newport

OAR 845-006-0335 (1)(a)(b)(c) – Member Panna Patel failed to verify the age of an OLCC minor decoy before allowing him to buy or be served an alcoholic beverage

**32-DAY SUSPENSION – OR –
\$4,950 CIVIL PENALTY – AND – 2-DAY SUSPENSION
AND REMOVAL FROM RESPONSIBLE VENDOR
PROGRAM**

Bend OR 97701
(09-19137-O)

when he reasonably appeared to be under 26 years of age (February 14, 2008).

(Second, Category III)

Note: Licensee was a member of the Responsible Vendor Program at the time of this violation. Because this violation is the second violation involving a minor by a licensee personally within a two-year period, Licensee is required to be removed from the program and is therefore no longer eligible for reduced sanctions based on Category III(a).

AGGRAVATION

Member Panna Patel was personally involved in this violation.

10. Quagmire, LLC
Tyler Simpson, Managing Member
QUAGMIRE (L)
202 W Columbia River Highway
Troutdale OR 97060
(26-38792-L)

Violation Number One
OAR 845-006-0345 (1) – Licensee’s employees Nicholas Sellin and Ko Yeaman drank alcoholic beverages while on duty at the licensed premises (December 16, 2007).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) – Licensee permitted Nicholas Sellin to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about November 7, 2007 to about December 16, 2007).

(Second, Category III)

11. Coralae, Inc.
Michael Huffman, Pres/Sec/Dir/Stkhldr
MATCHBOX LOUNGE (F-COM)
3203 SE Division
Portland OR 97202

ORS 471.360 (1)(b) – Licensee permitted Thomas Sanchez to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about May 2007 to about February

LETTER OF REPRIMAND

Note: Because Licensee surrendered its liquor license effective April 24, 2008, and Licensee therefore 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.

AGGRAVATION

Two employees were involved in Violation Number One.

MITIGATION

Violations Number One and Two will both be charged at the first level because they were discovered concurrently.

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

AGGRAVATION

Thomas Sanchez worked for over six months without a valid service permit.

(26-39733-FCOM)

26, 2008).

(First, Category III)

12. Bi-Mart Corporation
Marty Smith, CEO/Chairman
John Harris, President
David Zientara, Secretary
Richard Truett, Senior VP of Store Ops
Dan Chin, VP of Finance
Bi-Mart Acquisition Corporation, Stkhldr
BI-MART #641 (O)
1727 Odem Medo Road
Redmond OR 97756
(09-19101-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensee’s employee Jody 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 (January 10, 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).

LETTER OF REPRIMAND – AND – REMOVAL FROM RESPONSIBLE VENDOR PROGRAM

Note: Licensee was charged with this violation by Notice dated March 10, 2008. The proposed sanction, considering mitigation, was removal from the Responsible Vendor Program and a \$1,320 civil penalty or an eight-day suspension. This Notice was amended to reflect the purchase and installation of Age Verification Equipment at every point of sale used to sell alcohol. The proposed sanction, considering mitigation, was reduced to a Letter of Reprimand and removal from Responsible Vendor Program.

MITIGATION

1. Licensee has a lengthy record of compliance.
2. Licensee has purchased and installed Age Verification Equipment in accordance with OAR 845-009-0140 and will use the equipment at every point of sale used to sell alcoholic beverages.

\$4,620 CIVIL PENALTY – OR – 28-DAY SUSPENSION

AGGRAVATION

Multiple employees and a corporate principal were personally involved in Violation Number One.

MITIGATION

Violation Numbers One and Two will both be charged at the first level because they were discovered concurrently.

13. Trout House Co, LLC
Paul Mercer, Member
Peter Lowes, Member
DESCHUTES RIVER TROUT HOUSE
(F-COM)
57239 River Road
Sunriver OR 97707
(09-08476-FCOM)

Violation Number One
OAR 845-006-0345 (1) – Member Paul Mercer and employees Angela Teuscher, Tisha Haselip and Gary Kelly consumed alcoholic beverages while on duty (July 20, 2007).

(First, Category III)

Violation Number Two
OAR 845-006-0335 (3)(a) – Licensee permitted its employee Gary Kelly, a minor, to consume alcohol on the licensed premises (July 20, 2007).

(Second, Category III)

14. Powertool, LLC
Brandon Brown, Managing Member
Mike Prescott, Member
Tyler Williams, Managing Member
BETTIE FORD (F-COM)
1135 SW Washington
Portland OR 97205
(26-39837-FCOM)

Violation Number One
ORS 471.398 – Licensee accepted financial assistance from Young’s Market, a representative of a manufacturer or wholesaler of alcoholic liquor (about June 7, 2007).

(First, Category IV)

Violation Number Two
ORS 471.398 – Licensee accepted financial assistance from a representative of Veuve Clicquot Ponsardin, a manufacturer or wholesaler of alcoholic liquor (October 2007).

(Second, Category IV)

**\$2,805 CIVIL PENALTY – OR – 17-DAY SUSPENSION
OR LETTER OF REPRIMAND IF THE STAY OF
LICENSE CANCELLATION IS NO LONGER IN EFFECT
AND THE LICENSE IS CANCELLED**

15. First Hand Management, LLC
Richard Oneslager, Jr., Managing Member
Mike Lamb, Member
18122 SE MCLOUGHLIN BLVD SHELL (O)
18122 SE McLoughlin Blvd
Milwaukie OR 97267
(03-10216-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensee’s employee Cassandra Todd 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 (December 29, 2007).

(First, Category III(a))

LETTER OF REPRIMAND

Note: Licensee requested a hearing and now wishes to withdraw that request. Because the Licensee’s interest in the license has expired 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.

16. First Hand Management, LLC
Richard Oneslager, Jr., Managing Member
Mike Lamb, Member
18777 SE MCLOUGHLIN BLVD SHELL (O)
18777 SE McLoughlin Blvd
Milwaukie OR 97267
(03-37723-O)

OAR 845-006-0335 (1)(a)(b)(c) – Licensee’s employee Mike Dethlefsen failed to verify the age of a Milwaukie Police Department minor decoy before allowing her to buy or be served an alcoholic beverage when he reasonably appeared to be under 26 years of age (December 29, 2007).

(First, Category III(a))

LETTER OF REPRIMAND

Note: Licensee requested a hearing and now wishes to withdraw that request. Because the Licensee’s interest in the license has expired 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.

17. First Hand Management, LLC
Richard Oneslager, Jr., Managing Member
Mike Lamb, Member
16211 SW BOONES FERRY SHELL (O)
16211 SW Boones Ferry Road
Lake Oswego OR 97034
(03-26132-O)

Violation Number One

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee James Ingram, Jr.
failed to verify the age of a Lake Oswego
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
(November 9, 2007).

(First, Category III)

Violation Number Two

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Michael Blair 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
(from about November 30, 2007 to
December 3, 2007).

(Second, 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).

**LETTER OF REPRIMAND
AND REMOVAL FROM RESPONSIBLE VENDOR
PROGRAM**

Note: Licensee requested a hearing and now wishes to
withdraw that request. Because the Licensee's
interest in the license has expired 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.

AGGRAVATION

In Violation Number Two, your employee Michael Blair
failed to verify the age of the same minor on more than
one occasion.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

18. Dugo's, Inc.
Michael Dugovich, Pres/Stockholder
Pamela Dugovich, aka Seagraves,
Secretary/Treasurer/Stockholder
DUGO'S ON BURNSIDE (L)
413 W. Burnside
Portland OR 97209
(26-27732-L)

OAR 845-006-0348 (1) – Licensee failed to take immediate and effective action to prevent unlawful drug use or sales on the licensed premises after an arrest for drug sales and seizure of unlawful drugs occurred on the license premises on January 4, 2007 and when a patron engaged in drug use on the premises (June 3, 2007).

(First, Category II(a))

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated November 5, 2007. The proposed sanction considering aggravation and mitigation was a 10-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

The premises has a reputation for unlawful drug activity.

MITIGATION

Licensee has a lengthy history of compliance.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension. This was Licensee's first Category II(a) 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 proposed the standard sanction of a 10-day suspension, subtracted two days of mitigation because Licensee has a lengthy history of compliance, and added two days of aggravation because the premises has a reputation for unlawful drug activity. The total proposed penalty was a 10-day suspension.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will serve a seven-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 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 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 May 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. Ming Yang Restaurant, Inc.
David Ming-Yang Zhen, Pres/Stockholder
Cindy Hong-Mei Zhen, VP/Stockholder
MING YANG RESTAURANT (L)
5069 N River Rd
Keizer OR 97303
(24-26433-L)

Violation Number One
OAR 845-006-0335 (1)(a)(b)(c) –
Corporate Principal Cindy Hong-Mei Zhen
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 (December 21, 2007).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) – Licensee permitted
Corporate Principal Cindy Hong-Mei Zhen
to sell, mix, or serve alcoholic beverages,
or supervise those who do, without a valid
service permit (from about October 8,
2007 to about December 21, 2007).

(Second, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of this violation.
Because this is the second failure
to properly verify the age of a
minor by a Licensee personally
within a two-year period and
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 February 12, 2008. The proposed
sanction, considering aggravation and mitigation,
was a \$3,960 civil penalty or a 24-day
suspension. Licensee wishes to enter into this
Settlement Agreement.

(Licensee paid the \$1,815 civil penalty on March 6, 2008.)

AGGRAVATION

Corporate Principal Cindy Hong-Mei Zhen personally
committed these violations.

MITIGATION

Violations Number One and Two will be charged at the
first level because they were discovered concurrently.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty and Removal from the Responsible Vendor Program. Violations Number One and Two were Licensee's first and second Category III violations within two years. Any subsequent violations of this type within the same two-year period will be charged at the second level.
2. Licensee will be removed from the Responsible Vendor Program. Licensee may reapply for the program one year after this violation is ratified.
3. Public Safety Program staff originally proposed for Violation Number One the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days of aggravation because Corporate Principal Cindy Hong-Mei Zhen personally committed the violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
4. Public Safety Program staff originally proposed for Violation Number Two the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days of aggravation because Corporate Principal Cindy Hong-Mei Zhen personally committed the violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
5. On or before May 9, 2008, 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. Licensee will run all alcohol sales through registers at which age verification equipment is installed.
6. The Commission will reduce the remaining sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
7. Licensee will pay a \$1,815.00 civil penalty before 5:00 PM on May 22, 2008 or serve an 11-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 7, 2008.
8. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their May 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

20. DDM Enterprises, LLC
Dennis Cardwell, Managing Member
Darren Henderson, Member
RED LINE SPORTS BAR & GRILL
(F-COM)
2098 Old Portland Road
St. Helens OR 97051
(05-26346-FCOM)

Violation Number One
ORS 471.412 – Licensee’s employee
Sonja McBryde knowingly allowed a
visibly intoxicated person to consume an
alcoholic beverage (August 16, 2007).

(First, Category III)

Violation Number Two
ORS 471.360 (1)(b) – License permitted
Michelle McBride to mix, sell, or serve
alcohol, or supervise those who do,
without a service permit (August 11,
2007).

(Second, Category III)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the OLCC Violation Notices. These violations were Licensee’s first and second Category III violations. Any subsequent violation of this type within the same two-year period will be charged at the second level.
2. Public Safety Program staff originally proposed for Violation Number One the standard sanction of a Letter of Reprimand.
3. Public Safety Program staff originally proposed for Violation Number Two the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty.
4. The Commission will reduce the standard sanction for Violation Number Two by three days. This is equivalent to a 30% reduction of the standard sanction.
5. The Commission will mitigate the sanction two days because Licensee has a lengthy record of good compliance.
6. Licensee will accept a Letter of Reprimand for Violation Number One. For Violation Number Two, Licensee will pay an \$825.00 civil penalty before 5:00 PM on May 22, 2008 or serve a five-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 1, 2008.
7. Licensee withdraws the request for a hearing.
8. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their May 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.

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by OLCC Violation Notices L/R 03360 and No. 010080 dated September 14, 2007. The proposed sanction for Violation Number One was a Letter of Reprimand. The proposed sanction for Violation Number Two 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.

MITIGATION

Licensee has a lengthy record of compliance.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

21. Porky's Pit, LLC
Bryon Moore, Member
Brenda Moore, Member
PORKY'S PIT (F-COM)
28424 SE Eagle Creek Road, #B
Estacada OR 97023
(03-42037-FCOM)

OAR 845-006-0335 (3)(b) – Licensee permitted a minor, Benjamin Moore, to be on the licensed premises or in an area of the licensed premises prohibited to minors (December 5, 2007).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated March 14, 2008. The proposed sanction, considering aggravation, was a \$1,485 civil penalty or a nine-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Benjamin Moore was a juvenile at the time of the violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Suspension or Civil Penalty. This was Licensee's first Category IV 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 proposed the standard sanction of a seven-day suspension or \$1,155.00 civil penalty and added two days of aggravation because Benjamin Moore was a juvenile at the time of the violation. The total proposed penalty was a nine-day suspension or \$1,485.00 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 civil penalty of \$1,155.00 by 5:00 PM on May 22, 2008 **or** serve a seven-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 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 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 May 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

22. Hong's Restaurant, Inc.
Bruce Chen, President/Dir/Stkhldr
Connie Chen, Vice President/Dir/Stkhldr
HONG'S RESTAURANT (F-COM)
116 SE 4th
Estacada OR 97023
(03-02138-FCOM)

Violation Number One
OAR 845-006-0347 (2)(a) – Licensee's
employee Robert Solomon permitted
disorderly activity on the licensed
premises (July 28, 2007).

(First, Category III)

Violation Number Two
OAR 845-006-0347 (5) – Licensee Bruce
Chen and employee Robert Solomon
failed to evict patrons who had engaged
in disorderly activity on the licensed
premises (July 28, 2007).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with these violations by Notice dated December 10, 2007. The proposed sanction, considering aggravation, was a \$4,125 civil penalty or a 25-day suspension. Licensee requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Violation Number One involved multiple instances of permitting disorderly activity.
2. Violation Number Two involved two employees, one of whom was Licensee Bruce Chen, and multiple patrons.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. These were Licensee's first Category III and Category IV violations within two years. Any subsequent violation of these types 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 17-day suspension or \$2,805.00 civil penalty, added eight days of aggravation because Violation Number One involved multiple instances of permitting disorderly activity and Violation Number Two involved two employees, one of whom was Licensee Bruce Chen, and multiple patrons. The total proposed penalty was a 25-day suspension or a \$4,125.00 civil penalty.
3. The Commission will reduce the sanction by five days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$3,300.00 by 5:00 PM on May 22, 2008 **or** serve a 20-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 16, 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 May 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

23. Avery's Inc.
Mary Thompson, President/Dir/Stkhldr
Kelly Ramey, Secretary/Dir/Stkhldr
AVERY'S (L)
427 SW 8th
Redmond OR 97756
(09-42318-L)

OAR 845-006-0335 (1)(a)(b)(c) –
Corporate Principal Mary Thompson
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 30, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated March 3, 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

Corporate Principal Mary Thompson 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 Corporate Principal Mary Thompson 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 May 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. Licensee 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 May 22, 2008 or serve a two-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on May 29, 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 May 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

24. Yeti, Inc.
Shane Zach, President/Stockholder
MADDY'S (O)
18080 McLoughlin Blvd
Milwaukie OR 97267
(03-26743-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Shauna Quinn
failed to verify the age of a Clackamas
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 (December 28, 2007).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated February 29, 2008. The proposed
sanction, considering aggravation, was a \$4,950
civil penalty and two-day mandatory suspension
or a 32-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 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.

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 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 originally proposed the standard sanction of a 30-day suspension or \$4,950.00 civil penalty and added two days of aggravation for not using age verification equipment to prevent the current violation after previously being allowed to purchase age verification equipment as a full offset to a penalty for a previous failure to verify the age of a minor, for a total sanction 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's Public Safety Program will reduce the sanction for the violation 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 May 22, 2008 **or** serve a 23-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 19, 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 May 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

25. WSCO Petroleum Corp.
Richard Dyke, Chairman/Stockholder
Glenn Zirkle, President/Stockholder
Eugene Tish, Vice President
Ruth Zirkle, Secretary/Stockholder
Zeruiah Dyke, Treasurer
**TOAD'S EXPRESS MARKET &
DELI #110 (O)**
901 E. Main
Molalla OR 97038
(03-28012-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Cathy Takeshita
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
(December 28, 2007).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated February 21, 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. Cathy Takeshita 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 proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty and added two days of aggravation because Licensee's employee failed to use age verification equipment to prevent this violation after Licensee was previously allowed to purchase age verification equipment as an offset to a penalty for failing to verify the age of a minor. 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 May 22, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 5, 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 May 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

26. Carter's Service Stations, Inc.
Ronald Carter, President/Stockholder
Karen Carter, Secretary/Treasurer/Stkhldr
KING ROAD CHEVRON (O)
6217 SE King Road
Milwaukie OR 97222
(03-25539-O)

OAR 845-006-0335 (1)(a)(b)(c) –
Licensee's employee Betty Ann Cain
failed to verify the age of a Clackamas
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 (December 28, 2007).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated February 22, 2008. The proposed
sanction, considering aggravation, was a \$4,950
civil penalty and two-day mandatory suspension
or a 32-day suspension. Licensee requested a
hearing and now wishes to withdraw that request
to enter into this Settlement Agreement.

(Licensee paid the \$3,795 civil penalty on April 7, 2008.)

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.

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 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 originally proposed the standard sanction of a 30-day suspension or \$4,950.00 civil penalty and added two days of aggravation for not using age verification equipment to prevent the current violation after previously being allowed to purchase age verification equipment as a full offset to a penalty for a previous failure to verify the age of a minor, for a total sanction 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's Public Safety Program will reduce the sanction for the violation 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 May 22, 2008 **or** serve a 23-day suspension beginning at 7:00 AM on May 27, 2008 and ending at 7:00 AM on June 19, 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 May 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.