

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

September 15, 2008

<u><b>LICENSEE/PERMITTEE</b></u>	<u><b>VIOLATION</b></u>	<u><b>SANCTION &amp; COMMENTS</b></u>
1. Sam's Silver Dollar Pizza, Inc. Sam MacBale, President/Dir/Stockholder <b>SILVER DOLLAR PIZZA</b> (F-COM) 501 NW 21 <sup>st</sup> Avenue Portland OR 97209 (26-00729-FCOM)	ORS 471.360 (1)(b) – Licensee permitted Steve McCabe to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about May 2005 to about May 14, 2008).  (First, Category III)	<b>\$1,650 CIVIL PENALTY – OR – 10-DAY SUSPENSION</b>  <u>AGGRAVATION</u> Steve McCabe did not have a valid service permit for over six months.  <u>MITIGATION</u> Licensee has a lengthy record of compliance.

**STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER**

2. The Pink, Inc.  
Vernetta Fern Hiatt, President/Dir/Stkhldr  
Jane E. Harden, Sec/Treas/Dir/Stkhldr  
Karma Lynn Chisholm, Vice President  
**PINK ELEPHANT TAVERN** (F-COM)  
115 Lancaster Dr. SE  
Salem OR 97301  
(24-07300-FCOM)

ORS 471.360 (1)(b) – Licensee permitted  
Corporate Principal Jane E. Harden to  
sell, mix, or serve alcoholic beverages, or  
supervise those who do, without a valid  
service permit (from about December 7,  
2005 to about May 19, 2008).  
  
(First, Category III)

### **SETTLEMENT AGREEMENT**

Note: Licensee was charged with this violation by  
Notice dated June 25, 2008. The proposed  
sanction, considering aggravation and mitigation,  
was a 12-day suspension or a \$1,980 civil  
penalty. Licensee wishes to enter into this  
Settlement Agreement.

#### AGGRAVATION

1. Corporate Principal Jane E. Harden was personally involved in the violation.
2. Corporate Principal Jane E. Harden worked for over six months without a valid service permit.

#### 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 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, added four days of aggravation because Corporate Principal Jane E. Harden was personally involved in the violation and had worked for over six months without a valid service permit, and reduced the penalty by two days because Licensee has a lengthy record of compliance with the Commission. The total proposed penalty was a 12-day suspension or a \$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 September 22, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on September 27, 2008 and ending at 7:00 AM on October 6, 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 September 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

3. Woody Woo, Inc.  
Karen Woodbury, President/Dir/Stkhldr  
Aaron Woo, Secretary/Director/Stkhldr  
**VITA CAFÉ (F-COM)**  
3024 NE Alberta  
Portland OR 97211  
(26-28537-FCOM)

ORS 471.360 (1)(b) – Licensee permitted Stephanie Dougherty to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about July 1, 2007 to about May 29, 2008).

(First, Category III)

### SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated July 28, 2008. The proposed sanction, considering aggravation, was a 12-day suspension or a \$1,980 civil penalty. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Stephanie Dougherty did not have a valid service permit for over six months.

### 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 Stephanie Dougherty did not have a valid service permit for over six months. The total proposed penalty was a 12-day suspension or a \$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 September 25, 2008 **or** serve a nine-day suspension beginning at 7:00 AM on September 30, 2008 and ending at 7:00 AM on October 9, 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 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 September 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

4. Citron LLC  
George Kawas, Managing Member  
**GIORGIO'S RESTAURANT (F-COM)**  
1131 NW Hoyt Street  
Portland OR 97209  
(26-26501-FCOM)

Violation Number One  
OAR 845-006-0335 (1)(a)(b)(c) –  
Managing Member George Kawas failed  
to verify the age of a Multnomah 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  
(April 18, 2008).

(First, Category III)

Violation Number Two  
ORS 471.360 (1)(b) – Licensee permitted  
Managing Member George Kawas to sell,  
mix, or serve alcoholic beverages, or  
supervise those who do, without a valid  
service permit (from about May 21, 2005  
to about April 18, 2008).

(Second, Category III)

## **SETTLEMENT AGREEMENT**

Note: Licensee was charged with this violation by  
Notice dated May 14, 2008. The proposed  
sanction, considering aggravation and mitigation,  
was a 24-day suspension or a \$3,960 civil  
penalty. Licensee originally requested a hearing  
and now wishes to withdraw that request to enter  
into this Settlement Agreement.

(Licensee paid the \$2,970 civil penalty on August 28,  
2008).

### AGGRAVATION

1. Managing Member George Kawas was personally  
involved in both violations.
2. George Kawas worked for over six months without a  
valid service permit.

### MITIGATION

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

## **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. 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. The Public Safety Program originally proposed for each violation the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty, added six days for aggravation because Managing Member George Kawas was personally involved in both violations and because George Kawas worked for over six months without a valid service permit, and subtracted two days because Licensee has a lengthy record of good compliance, for a total sanction of a 24-day suspension or a \$3,960.00 civil penalty.
3. The Commission will reduce the sanction by six days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$2,970.00 civil penalty before 5:00 PM on September 22, 2008 or serve an 18-day suspension beginning at 7:00 AM on September 27, 2008 and ending at 7:00 AM on October 15, 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 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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**

5. C & K Market, Inc.  
Douglas A. Nidiffer, President/Dir/Stkhldr  
Alan Nidiffer, Secretary/Treas/Director  
Larry Hage, Director/Stockholder  
Nancy Nidiffer, Director  
Rex Scroggins, Director/Stockholder  
**RAY'S FOOD PLACE #8** (O)  
29560 Ellensburg  
Gold Beach OR 97444  
(08-08436-O)

OAR 845-006-0335 (1)(a)(b)(c) –  
Licensee's employee Carol Brown 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 (May 9, 2008).

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

## **SETTLEMENT AGREEMENT**

Note: Licensee was charged with this violation by  
Notice dated August 12, 2008. The proposed  
sanction, considering aggravation, was removal  
from the Responsible Vendor Program and a 12-  
day suspension or a \$1,980 civil penalty.  
Licensee originally 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 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 Removal from Responsible Vendor Program and 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. Licensee will be removed from the Responsible Vendor Program. Licensee may reapply for the program one year after this violation is ratified.
3. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because Licensee has previously been allowed to purchase age verification equipment for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the current violation, for a total of a 12-day suspension or a \$1,980.00 civil penalty.
4. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on September 25, 2008 or serve a nine-day suspension beginning at 7:00 AM on September 30, 2008 and ending at 7:00 AM on October 9, 2008.
6. Licensee withdraws the request for a hearing.

7. 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 2008 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void.