

ADMINISTRATIVE POLICY & PROCESS DIVISION

April 16, 2009

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Shan He Company, Inc.
Sin Min Mok, President/Director/Stkhldr
Liu Ji Tan, Secretary/Treasurer/Dir/Stkhldr
HOOD RIVER RESTAURANT (F-COM)
108 2nd Street
Hood River OR 97031
(14-06584-FCOM)

OAR 845-006-0347(3) – Licensee permitted unlawful activity on the licensed premises when Jerome Kahler, Robert Lucas and Ignacio Olaez provided private security services as private security professionals at Hood River Restaurant without being certified to do so under ORS 181.878 in violation of ORS 181.991(1)(b) (for varying lengths of time from about November 4, 2005 to about September 26, 2008).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated February 11, 2009. The proposed sanction, considering aggravation, was a 22-day suspension or a \$3,630 civil penalty. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Three employees were involved in this violation.
2. Three employees each worked for over six months without DPSST certification.
3. Licensee received prior warning about DPSST certification.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This violation was Licensee's first Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged at the second level.
2. The Public Safety Program originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added 12 days of aggravation because three employees were involved in this violation, three employees each worked for over six months without DPSST certification, and Licensee received a prior warning about DPSST certification. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
3. Licensee will pay a \$3,135.00 civil penalty before 5:00 PM on April 27, 2009 **or** serve a 19-day suspension beginning at 7:00 AM on May 2, 2009 and ending at 7:00 AM on May 21, 2009.
4. Licensee withdraws the request for a hearing.
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 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 April 2009 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

2. Mudai Ethiopian Restaurant, Inc.
Belay Meressa aka Belay Birhane,
President/Stockholder
Ellen Gezahegne, Stockholder
**MUDAI ETHIOPIAN RESTAURANT &
LOUNGE (F-COM)**
801 NE Broadway
Portland OR 97212
(26-35688-FCOM)

Violation Number One
OAR 845-006-0335(1)(a)(b)(c) –
Corporate Principal Belay Meressa aka
Belay Birhane 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, 2008).

(First, Category III)

Violation Number Two
ORS 471.360(1)(b) – Licensee permitted
Corporate Principal Belay Meressa aka
Belay Birhane to sell, mix, or serve
alcoholic beverages, or supervise those
who do, without a valid service permit
(from about January 2, 2006 to about
December 12, 2008).

(Second, Category III)

Note: Licensee was charged with this violation by
Notice dated January 23, 2009. The proposed
sanction, considering aggravation and mitigation,
was a 26-day suspension or a \$4,290 civil
penalty. Licensee originally requested a hearing
and now wishes to withdraw that request to enter
into this Settlement Agreement.

AGGRAVATION

1. Corporate Principal Belay Birhane was personally
involved in these violations.
2. Corporate Principal Belay Birhane did not have a valid
service permit for over six months.

MITIGATION

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

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violation Numbers One and Two as set out in the Notice of Proposed License Suspension/Civil Penalty. These were Licensee's first and second Category III violations within two years. Violations were charged at the first level because they were discovered concurrently. 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 for each of the violations and added six days for aggravation because Corporate Principal Belay Birhane was personally involved in these violations and Corporate Principal Belay Birhane did not have a valid service permit for over six months, for a total of a 26-day suspension or a civil penalty of \$4,290.00.
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 \$3,300.00 civil penalty before 5:00 PM on April 27, 2009 **or** serve a 20-day suspension beginning at 7:00 AM on May 2, 2009 and ending at 7:00 AM on May 22, 2009.
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 these violations. 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 April 2009 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

3. District LLC
Peter Villanueva, Managing Member
DISTRICT (F-COM)
232 NW 12th Avenue
Portland OR 97209
(26-28529-FCOM)

OAR 845-006-0498(3) – Licensee allowed the sale, delivery, service, consumption, or receipt of alcoholic beverages at the licensed premises during the period of time that the license was under suspension pursuant to ORS 471.315 (January 3, 2009).

(First, Category I)

Note: Licensee was charged with this violation by Notice dated February 11, 2009. The proposed sanction, considering aggravation, was cancellation. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Managing Member Peter Villanueva was personally involved in this violation.
2. Two patrons were served alcohol at separate times.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Cancellation. This was Licensee's first Category I violation within two years.
2. The Public Safety Program originally proposed the standard sanction of license cancellation. The charge included aggravation because Managing Member Peter Villanueva was personally involved in this violation and two patrons were served alcohol at separate times.
3. The Commission will reduce the sanction to a 34-day suspension.
4. Licensee will serve the 34-day suspension beginning at 7:00 AM on May 2, 2009 and ending at 7:00 AM on June 5, 2009.
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 the 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 April 2009 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

4. Abdullah Mahmood
H MART (O)
10120 SW Hall Boulevard
Portland OR 97223
(34-09400-O)

OAR 845-006-0335(1)(a)(b)(c) –
Licensee's employee Abbas Habibi 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
(November 25, 2008).

(Third, Category III)

Note: Licensee was charged with this violation by
Notice dated January 15, 2009. The proposed
sanction, considering aggravation, was a 32-day
suspension. 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 Proposed License Suspension. This was Licensee's third Category III violation within two years. Any subsequent violation of this type within the same two-year period will be charged in at the fourth level.
2. The Public Safety Program originally proposed the standard sanction of a 30-day suspension for the violation and added two days for aggravation because Licensee was previously allowed to purchase age verification equipment as an offset to a penalty 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 32-day suspension.
3. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will serve a 23-day suspension beginning at 7:00 AM on May 2, 2009 and ending at 7:00 AM on May 25, 2009.
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 the 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 April 2009 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. Alberta Cooperative Grocery
Styen Pearson, President
SeaOh McConville, Vice President
Richard Cascio, Treasurer
Corrine Rupp, Secretary
ALBERTA COOPERATIVE GROCERY
(O)
1500 NE Alberta Street
Portland OR 97211
(26-36145-O)

OAR 845-005-0355(5) – Licensee offered for sale at the licensed premises about 145 bottles of alcoholic beverages that were not in compliance with the license restrictions which state:

“1. This license will not permit the sale or storage of domestic malt beverages with more than 6 percent alcohol in containers 22 ounces or larger (does not include local micro-brewed or organic beverages).

2. This license does not permit the sale or storage of wine containing more than 13.8 percent alcohol by volume.

3. This license does not permit the sale of single containers of malt beverages containing more than 6 percent alcohol by volume (includes all malt beverages) in 16 ounces or larger containers.” (September 6, 2008).

(First, Category I)

Note: Licensee was a member of the Responsible Vendor Program at the time of this violation. Because the charged violation is a Category I 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 Amended Notice dated March 30, 2009. The proposed sanction was cancellation. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended Notice of Proposed License Cancellation and Removal from the Responsible Vendor Program. This was Licensee’s first Category I violation within two years.
2. The Public Safety Program originally proposed the standard sanction of license cancellation.

3. The Commission will reduce the sanction to a 30-day suspension.
4. Licensee will serve the 30-day suspension beginning at 7:00 AM on May 2, 2009 and ending at 7:00 AM on June 1, 2009.
5. Licensee will be removed from the Responsible Vendor Program. Licensee may reapply for the program one year after the ratification of this agreement.
6. If there are restrictions on the license as of June 1, 2009, the officers of the Alberta Cooperative Grocery board of directors and the Alcohol Buyer will sign a document that states "I have read and am aware of the restrictions on the Alberta Cooperative Grocery's liquor license" on or before July 1, 2009. Licensee will keep a copy of the signed document on the licensed premises.
7. As long as there are restrictions on the license, new officers of the Alberta Cooperative Grocery board of directors will sign a document that states "I have read and am aware of the restrictions on the Alberta Cooperative Grocery's liquor license" within 30 days of beginning service on the board of directors. The document must also list the restrictions on the Licensee's liquor license. Licensee will keep a copy of the signed document on the licensed premises.
8. As long as there are restrictions on the license, the Alcohol Buyer at the Alberta Cooperative Grocery will sign a document that states "I have read and am aware of the restrictions on the Alberta Cooperative Grocery's liquor license" within 30 days of beginning work in that position and will sign and date the document annually thereafter. The document must also list the restrictions on the Licensee's liquor license. Licensee will keep a copy of the signed document on the licensed premises.
9. Licensee withdraws the request for a hearing.
10. If Licensee's interest in the license expires before the Commission issues a final order on the 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.
11. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their April 2009 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.

VIOLATION CASES TO BE RATIFIED BY COMMISSION

6. Insik Choe
Service Permit No. 199807
SUSHIVILLE (L)
1514 NW 23rd Avenue
Portland OR 97210
And
SUSHIVILLE (L)
663 NW Division Street
Gresham OR 97030

ORS 471.385(1)(b) – Yamhill County Circuit Court convicted Managing Member Insik Choe of Attempted Sexual Abuse in the First Degree (ORS 163.427), a Class C Felony (ORS 161.405(2)(c)). Managing Member Insik Choe committed this felony on the licensed premises (October 22, 2007).

(First, Category I)

7. Fun at the Mall, LLC
Tyler Williams, Member
Gerald Wilson, Member
SPLIT (F-COM)
7335 SW Bridgeport Road #R101
Tigard OR 97224
(34-40946-FCOM)

Violation Number One
ORS 471.360(1)(b) – Licensee permitted Renae Thompson to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about April 3, 2008 to about May 28, 2008).

(First, Category III)

Violation Number Two
OAR 845-007-0020(2) – Licensee made references outside the licensed premises to temporary price reductions for alcoholic beverages to be consumed on the licensed premises (On May 28, 2008 and May 29, 2008).

(First, Category V)

SERVICE PERMIT REVOCATION

LETTER OF REPRIMAND

Note: Licensee originally requested a hearing and withdrew that request on March 25, 2009. Because Licensee no longer has an interest in the business effective July 25, 2008 and 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 Licensee's Commission file and may be considered in any future application for a liquor license by Licensee.

AGGRAVATION

Licensee received a prior warning regarding prohibited advertising on February 19, 2008.