

ADMINISTRATIVE POLICY & PROCESS DIVISION

August 21, 2009

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Apple AB Enterprises, Inc.
Joe Wong, President/Director/Stockholder
**APPLEBEE'S NEIGHBORHOOD GRILL &
BAR (F-COM)**
3197-C N Highway 97
Bend OR 97701
(09-27547-FCOM)

OAD 845-006-0335(1)(a)(b)(c) –
Licensee's employee Alan Yanez failed to
verify the age of OLCC minor decoys
before allowing them to buy or be served
alcoholic beverages when they
reasonably appeared to be under 26
years of age (January 16, 2009).

Note: Licensee was charged with this violation by
Notice dated March 17, 2009. The proposed
sanction was a 30-day suspension. Licensee
originally requested a hearing and now wishes to
withdraw that request to enter into this Settlement
Agreement.

(Third, Category III)

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 at the fourth level.
2. The Public Safety Program originally proposed the standard sanction of a 30-day suspension for the violation.
3. The Commission will reduce the sanction by eleven days. This is equivalent to 30% reduction of the standard sanction.
4. The Commission will mitigate the sanction two additional days because of Licensee's efforts to prevent further violations.
5. Licensee will serve a 19-day suspension beginning at 7:00 AM on September 5, 2009 and ending at 7:00 AM on September 24, 2009.
6. Licensee withdraws the request for a hearing.
7. If Licensee's interest in the license expires or is transferred 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 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. Ric Donnelly
Kennedy & Donnelly, LLC
Kathryn Kennedy, Managing Member
**LAVA LANES OF MEDFORD/
DONNELLY'S SPORTS PUB & GRILL**
(F-COM)
2980 Crater Lake Hwy
Medford OR 97504
(15-29164-FCOM)

OAR 845-006-0335(1)(a)(b)(c) –
Licensees' employee Dana Sims failed to
verify an OLCC minor decoy's age before
allowing him to buy or be served an
alcoholic beverage when he reasonably
appeared to be under 26 years of age
(April 16, 2009).

(Second, 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).

Note: Licensees were charged with this violation by
Notice dated June 11, 2009. The proposed
sanction, considering aggravation was a 32-day
suspension or \$4,950 civil penalty with two days
of suspension mandatory. Licensees wish to
enter into this Settlement Agreement.

AGGRAVATION

Licensees have 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. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty and Removal from Responsible Vendor Program. This was Licensees' 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 aggravated the penalty by two days because Licensees previously purchased age verification equipment as an offset to a penalty for failing to verify the age of a minor, for a total sanction of a 32-day suspension or \$4,950.00 civil penalty and two-day mandatory suspension.
3. The Commission will reduce the penalty by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a civil penalty of \$3,795.00 by 5:00 PM on August 24, 2009 **or** serve a 23-day license suspension beginning at 7:00 AM on August 29, 2009 and ending at 7:00 AM on September 21, 2009.
5. Licensees are removed from the Responsible Vendor Program. Licensees may reapply one year from the date this Agreement is ratified.
6. If Licensees' interest in the license expires or is transferred 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 Licensees' Commission file and may be considered in any future application for a liquor license by Licensees.

7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 2009 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensees' hearing rights, if any, will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

3. Patches, Inc.
Matthew Traxler, President/Director/Stkhldr
Thomas Fieland, Secretary/Director/Stkhldr
Mark Traxler, Stockholder
COACH'S BAR AND GRILL (F-COM)
10162 SW Park Way
Portland OR 97225
(34-02334-FCOM)

Violation Number One
OAR 845-006-0335(1)(a)(b)(c) –
Licensee's employees Bill Hamilton and
Norbert Mueller failed to verify the ages of
two Washington County minor decoys
before allowing them to buy or be served
alcoholic beverages with they reasonably
appeared to be under 26 years of age
(February 27, 2009).

(First, Category III)

Violation Number Two
ORS 471.360(1)(b) – Licensee permitted
Erin Spears to sell, mix, or serve alcoholic
beverages, or supervise those who do,
without a valid service permit (from about
December 19, 2008 to about March 12,
2009).

(Second, 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).

Note: Licensee was charged with this violation by
Notice dated May 6, 2009. The proposed
sanction, considering aggravation and mitigation,
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

Two employees were involved in Violation Number One.

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 the violations as set out in the Notice of Removal from Responsible Vendor Program and Proposed License Suspension/Civil Penalty. These were Licensee's first and second Category III violations within two years. The 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

two days for aggravation because two employees were involved in Violation Number One, for a total of a 22-day suspension or a civil penalty of \$3,630.00.

3. Licensees will install age verification equipment, as defined in OAR 845-009-0140(1)(c), by July 31, 2009 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 suspension or \$1,650.00 of the civil penalty. All alcohol sales will be run through registers at which age verification equipment is installed.
4. The Commission will reduce the sanction for Violation Number Two by three days. This is equivalent to a 30% reduction of the standard sanction.
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. Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on August 31, 2009 **or** serve a nine-day suspension beginning at 7:00 AM on September 5, 2009 and ending at 7:00 AM on September 14, 2009.
7. Licensee withdraws the request for a hearing.
8. If Licensee's interest in the license expires or is transferred 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.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 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. Bower & Clancy, Inc.
Robert Bower, President/Director/Stkhldr
CLANCY'S (F-COM)
16066 NW 1st
Sherwood OR 97140
(34-41387-FCOM)

ORS 471.360(1)(b) – Licensee permitted Robert Peterson and Heather Moran to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about February 6, 2009 to May 21, 2009).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated June 11, 2009. 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.

(Licensee paid the \$1,485.00 civil penalty on July 30, 2009.)

AGGRAVATION

Two employees were involved in 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 originally proposed the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty for the violation and added two days for aggravation because two employees were involved in the violation, for a total of a 12-day suspension or a civil penalty of \$1,980.00.
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 \$1,485.00 civil penalty before 5:00 PM on August 31, 2009 **or** serve a nine-day suspension beginning at 7:00 AM on September 5, 2009 and ending at 7:00 AM on September 14, 2009.
5. Licensee withdraws the request for a hearing.
6. If Licensee's interest in the license expires or is transferred 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 August 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. KKLJ, Inc.
Kate Boney, President/Secretary/Stkholder
TURTLES BAR & GRILL (F-COM)
2690 Willamette Street
Eugene OR 97405
(20-24501-FCOM)

ORS 471.360(1)(b) – Licensee permitted Rebecca Adams, Kate Boney, Lindsay Brownson, Joan Sharp, and Kellen Wheeler to sell, mix, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about May 26, 2008 to November 28, 2008).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated January 15, 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

Five employees worked without valid service permits, including Corporate Principal Kate Boney who was without a service permit for more than 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 Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty and aggravated the penalty by 12 days because five employees worked without valid service permits, including Corporate Principal Kate Boney who was without a service permit for more than six months, for a total sanction of a 22-day suspension or \$3,630.00 civil penalty.
3. The Commission will mitigate the sanction by two days for Licensee's efforts to prevent future violations.
4. The Commission will reduce the penalty by three days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a civil penalty of \$2,805.00 by 5:00 PM on August 24, 2009 **or** serve a 17-day license suspension beginning at 7:00 AM on August 29, 2009 and ending at 7:00 AM on September 15, 2009.
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 Licensee's Commission file and may be considered in any future application for a liquor license by Licensee.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 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

6. AMKO, Inc.
Kwang Fu (Paul) Tang, President/Stkhldr
Shu Jung Tang, Secretary/Stockholder
LUCKY LARRY'S LOUNGE (F-COM)
1295 Commercial Way
Albany OR 97321
(22-16497-FCOM)

ORS 471.360(1)(b) – Licensee permitted
Corporate Principal Kwang Fu (Paul)
Tang to sell, mix, or serve alcoholic
beverages, or supervise those who do,
without a valid service permit (from about
January 30, 2006 to about June 2, 2008).

(Third, Category III)

Note: Licensee was charged with this violation by
Notice dated July 15, 2008. The proposed
sanction, considering aggravation, was a 34-day
suspension. Licensee originally requested a
hearing and now wishes to withdraw that request
to enter into this Settlement Agreement.

AGGRAVATION

1. Corporate Principal Kwang Fu (Paul) Tang was personally involved in the violation.
2. Corporate Principal Kwang Fu (Paul) Tang 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. 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 at the fourth level.
2. The Commission's Public Safety Program originally proposed the standard sanction of a 30-day suspension and aggravated the penalty by four days because Corporate Principal Tang was personally involved in the violation and did not have a service permit for over six months, for a total sanction of a 34-day suspension.
3. The Commission will reduce the penalty by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will serve a 25-day license suspension beginning at 7:00 AM on August 30, 2009 and ending at 7:00 AM on September 24, 2009.
5. Licensee withdraws the request for a hearing.
6. If Licensee's interest in the license expires or is transferred 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 August 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

7. Portello, LLC
Dennis "Mitch" Chamberlain, Managing
Member
Lance Newman, Member
PORTELLO WINE CAFÉ (L)
2754 NW Crossing Drive #104
Bend OR 97701
(09-40550-L)

ORS 471.360(1)(b) – Licensee permitted
its employee Erin Olson to mix, sell, or
serve alcoholic beverages, or supervise
those who do, without a valid service
permit (from about June 18, 2007 to
about May 5, 2009).

(First, Category III)

Note: Licensee was charged with this violation by
Notice dated June 11, 2009. The proposed
sanction, considering aggravation, was a 12-day
suspension or a \$1,980 civil penalty. Licensee
wishes to enter into this Settlement Agreement.

AGGRAVATION

The employee worked without a service permit for more
than 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 Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty and aggravated the penalty by two days because the employee worked for over six months without a service permit, for a total sanction of a 12-day suspension or \$1,980.00 civil penalty.
3. The Commission will reduce the penalty 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 August 31, 2009 or serve a nine-day license suspension beginning at 7:00 AM on September 5, 2009 and ending at 7:00 AM on September 14, 2009.
5. If Licensee's interest in the license expires or is transferred 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 August 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, if any, will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

8. Lucky Dragon Investment, Inc.
He Feng Lin, President/Director/Stkhldr
**LUCKY FORTUNE RESTAURANT &
LOUNGE (F-COM)**
1401 Lancaster NE
Salem OR 97301
(24-22740-FCOM)

OAR 845-005-0355(5) – Licensee’s license was granted with restrictions which state, in part, “Licensee shall have at least two DPSST certified security people on the premises and on duty on Fridays and Saturdays from 9:00 pm to the close of business.” Licensee failed to comply with a license restriction when only one DPSST-certified security person was on the premises while it was open for business (January 24, 2009).

(First, Category I)

Note: Licensee was charged with this violation by Notice dated March 5, 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. The Commission will modify the license restrictions contained in the January 20, 2009 Notice by amending restriction number 4 to read as follows, effective August 31, 2009: Licensee shall have at least one DPSST certified security staff on the premises and on duty on Fridays and Saturdays from 9:00 pm to the close of business; however, when there are 51 or more patrons on Fridays and Saturdays from 9:00 pm to the close of business Licensee will have a minimum of two DPSST certified security staff on duty and on the premises.
2. Licensee agrees to accept the license with the eight restrictions as modified.
3. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Cancellation dated March 5, 2009.
4. The Public Safety Program originally proposed the standard sanction of license cancellation for the violation. The Commission will reduce the sanction for the violation to a 30-day license suspension or a \$4,950.00 civil penalty.
5. Licensee will pay the civil penalty of \$4,950.00 by 5:00 PM on August 31, 2009 or serve the 30-day suspension beginning at 7:00 AM on September 5, 2009 and ending at 7:00 AM on October 5, 2009.
6. Licensee withdraws the requests for hearing regarding the license application and the proposed license cancellation.
7. If Licensee’s interest in the license expires or is transferred before the Commission issues a final order on these allegations, Licensee agrees to accept a Letter of Reprimand for the 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.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their August 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

9. Yasmin Restaurant & Lounge, LLC
Dean MacBale, Managing Member
Rana MacBale, Member
YASMIN RESTAURANT & LOUNGE
(F-COM)
8635 SW Beaverton-Hillsdale Highway
Portland OR 97225
(34-25079-FCOM)

OAR 845-006-0347(2)(a) – Licensee permitted noisy activity on the licensed premises or in areas the Licensee controls that are adjacent to or outside the premises when Managing Member Dean MacBale permitted the business stereo to be played at an unreasonable and disturbing level which disturbed a neighbor of the business. On June 3, 2008, Dean MacBale was found guilty of violating Beaverton Code section 5.05.130, Unnecessary Noise (March 8, 2008).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated October 15, 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

Managing Member Dean MacBale was personally involved in 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 years will be charged at the second level.
2. The Public Safety Program originally proposed for this violation the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days of aggravation because Managing Member Dean MacBale was personally involved in this violation, for a total of a 12-day suspension or a civil penalty of \$1,980.00.
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 \$1,485.00 civil penalty before 5:00 PM on August 24, 2009 or serve a nine-day suspension beginning at 7:00 AM on August 29, 2009 and ending at 7:00 AM on September 7, 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 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 August 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.