

ADMINISTRATIVE POLICY & PROCESS DIVISION

February 12, 2009

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Hattenhauer Distributing Co.
John Hattenhauer, President/Dir/Stkhldr
Mary Hattenhauer, Sec/Treas/Dir/Stkhldr
NYE STREET STATION (O)
313 SE Nye Street
Pendleton OR 97801
(30-17435-O)

OAR 845-006-0335(1)(a)(b)(c) –
Licensee's employee Travis Carroll failed
to verify the age of an OLCC minor decoy
before allowing her to buy or be served
alcoholic beverages when she reasonably
appeared to be under 26 years of age
(September 18, 2008).

(First, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of this violation.
Because all of the standards of
the program were not 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 November 18, 2008. The proposed
sanction was a 10-day suspension or a \$1,650
civil penalty. 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 Notice of Proposed License Suspension/Civil Penalty and Removal from the Responsible Vendor Program. This violation was Licensee's first Category III violation. Any subsequent violation of this type within a two-year period 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.
3. Licensee will install age verification equipment, as defined in OAR 845-009-0140(1)(c), before January 23, 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 of suspension or \$1,650.00 of civil penalty. Licensee will run all alcohol

sales through registers at which age verification equipment is installed.

4. Licensee will be removed from the Responsible Vendor Program. Licensee may reapply for the program one year after this violation is ratified.
5. Licensee will accept a Letter of Reprimand for this violation.
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 February 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. My Stars, Inc.
Steven Bertelson, President/Dir/Stkhldr
Judy Bertelson, Secretary/Dir/Stkhldr
7-ELEVEN STORE #2363-21907C (O)
1016 NE Kane
Gresham OR 97030
(26-07627-O)

OAR 845-006-0335(1)(a)(b)(c) –
Licensee’s employee Ronald Mitchell
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
(September 5, 2008).

(First, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of this violation.
Because there were aggravating
circumstances 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 December 12, 2008. The proposed
sanction, considering aggravation, was a 14-day
suspension or a \$2,310 civil penalty. Licensee
originally requested a hearing and now wishes to
withdraw that request to enter into this Settlement
Agreement.

AGGRAVATION

1. The minor was a juvenile.
2. 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/Civil Penalty and Removal from Responsible Vendor Program. 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 added four days for aggravation because the minor involved was a juvenile and 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 and the age verification equipment was not used to prevent the current violation, for a total sanction of a 14-day suspension or a civil penalty of \$2,310.00.
3. Licensee is removed from the Responsible Vendor Program. Licensee may reapply one year after the ratification of this Agreement.
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 civil penalty of \$1,815.00 by 5:00 PM on February 23, 2009 **or** serve an 11-day suspension beginning at 7:00 AM on February 28, 2009 and ending at 7:00 AM on March 11, 2009.

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 February 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

3. OSF International, Inc.
Chris Dussin, President/Director
Harlan Dean Griffith, Vice President/Treas
James J. Damis, Secretary/Director
Dussin Family Holdings, LLC, Stockholder
BLUE SAGE CAFÉ OF LAKE OSWEGO
(F-COM)
7 Monroe Parkway #407A
Lake Oswego OR 97035
(03-44076-FCOM)

ORS 471.360(1)(b) – Licensee permitted
Steven Olson, Erin Henry, and Kent
Belser to sell, mix, or serve alcoholic
beverages, or supervise those who do,
without valid service permits issued by
the Commission (for varying lengths of
time from about July 16, 2008 to
September 11, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by
Notice dated November 17, 2008. The proposed
sanction, considering aggravation, was a 14-day
suspension or a \$2,310 civil penalty. Licensee
originally requested a hearing and now wishes to
withdraw that request to enter into this Settlement
Agreement.

AGGRAVATION

Three 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 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 four days of aggravation because three employees were involved in this violation, for a total of a 14-day suspension or a \$2,310.00 civil penalty.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$1,815.00 civil penalty before 5:00 PM on February 23, 2009 or serve an 11-day suspension beginning at 7:00 AM on February 28, 2009 and ending at 7:00 AM on March 11, 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 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 February 2009 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and the Licensee's hearing rights will be restored.