

ADMINISTRATIVE POLICY & PROCESS DIVISION

March 16, 2009

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Sheri Chan
Quen-Lun Chan
THE GOLD BOWL RESTAURANT (L)
3582 SE Powell
Portland OR 97202
(26-05178-L)
- OAR 845-006-0335(1)(a)(b)(c) – Licensee Sheri Chan 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 (November 15, 2008).
- (First, Category III)

SETTLEMENT AGREEMENT

Note: Licensees were charged with this violation by Notice dated January 16, 2009. The proposed sanction, considering aggravation, was a 12-day suspension or a \$1,980 civil penalty. Licensees originally requested a hearing and now wish to withdraw that request to enter into this Settlement Agreement.

(Licensees paid the \$330 fine on February 20, 2009.)

AGGRAVATION

Licensee Sheri Chan was personally involved in this violation.

TERMS OF AGREEMENT

1. Licensees accept responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty. This was Licensees' 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 Licensee Sheri Chan was personally involved in the violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. Licensees will install age verification equipment, as defined in OAR 845-009-0140(1)(c), by March 1, 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 the civil penalty. Licensees will run all alcohol sales through registers at which age verification equipment is installed.
4. Licensees will pay a \$330.00 civil penalty before 5:00 PM on March 26, 2009 **or** serve a 2-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 2, 2009.
5. Licensees withdraw the request for a hearing.
6. If Licensees' interest in the license expires 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 March 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 will be restored.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

2. HNN Limited, Inc.
Charles Heath, President/Sec/Dir/Stkhldr
CARMICHAEL'S PUB & GRILL (F-COM)
12740 SW Pacific Highway
Tigard OR 97223
(34-26187-FCOM)

ORS 471.360(1)(b) – Licensee permitted employee Sherri Jo Fought to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about September 2007 to about October 9, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated November 24, 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

Employee Sherri Jo Fought did not have a valid 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 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 the employee worked without a valid service permit for more than six months, 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 March 26, 2009 **or** serve a 9-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 9, 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 March 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. Key Largo Associates, Inc.
David Elliot, President/Secretary/Director
Key Largo Acquisition Group LLC, Stkhldr
OHM (F-COM)
31 NW 1st
Portland OR 97209
(26-00069-FCOM)

ORS 471.398 – Licensee accepted financial assistance from Young’s Market, a representative of a manufacturer or wholesaler of alcoholic liquor (about April 26, 2007).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated February 27, 2008. The proposed sanction, considering aggravation, was a nine-day suspension or a \$1,485 civil penalty. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

Corporate Principal David Elliot 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 violation was Licensee’s first Category IV violation within two years. 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 the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty and added two days for aggravation because Corporate Principal David Elliot was personally involved in the violation, for a total sanction of a nine-day suspension or a \$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 \$1,155.00 civil penalty before 5:00 PM on March 26, 2009 **or** serve a seven-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 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 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 March 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.

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

4. A & B Market, LLC
Anita Schlitzkus, Managing Member
William Schlitzkus, Member
A & B MARKET (O)
33750 Santiam Highway
Lebanon OR 97355
(22-17232-O)

OAR 845-006-0335(1)(a)(b)(c) – Member William Schlitzkus 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 (November 22, 2008).

(First, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated January 13, 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 \$330.00 fine on February 9, 2009.)

AGGRAVATION

Member William Schlitzkus 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 violation was Licensee's first Category III violation. 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 for aggravation because Member William Schlitzkus was personally involved in this 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), 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 by March 9, 2009. 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 March 26, 2009 **or** serve a two-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 2, 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 March 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. Jeff, Jeff & Jaff Entertainment, Inc.
Jeffery Lowe, President/VP/Dir/Stkhldr
Jeffrey Gaulton, Secretary/Dir/Stkhldr
Stevan Jaffe, Vice Pres/Treas/Dir/Stkhldr
JEFF & JAFF'S TABOO (F-COM)
23 West 6th Avenue
Eugene OR 97401
(20-37566-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 at about 2:20 am when patrons Richard Lay and Sabrina Anderson fought inside the premises and were removed by Licensee's staff to the parking lot where Richard Lay and a large group of patrons fought, and again at about 2:30 AM when patron Gregory Castanedez assaulted Anna Clark inside the premises (February 3, 2008).

(Second, Category III)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated March 28, 2008. The proposed sanction, considering aggravation, was a 34-day suspension or a \$4,950 civil penalty in lieu of 30 days with the remaining four days of the suspension mandatory. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

This violation was repeated and resulted in injury to multiple patrons.

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 second Category III violation within two years. Any subsequent violation of this type within the same two years will be charged at the third level.
2. The Public Safety Program originally proposed the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty and added four days for aggravation because this violation was repeated and resulted in injury to multiple patrons, for a total of a 34-day suspension or a \$4,950.00 civil penalty in lieu of 30 days with the remaining four days of the suspension mandatory.
3. The Commission will reduce the standard sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. The Commission will mitigate the sanction two days because of Licensee's efforts to prevent further violations.
5. Licensee will pay a \$3,795.00 civil penalty before 5:00 PM on March 26, 2009 **or** serve a 23-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 23, 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 March 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. Desert Island Productions, Inc.
Mitchell Stanley, President/Sec/Dir/Stkhldr
CACTUS JACK'S CAFÉ (F-COM)
4342 SW Beaverton Hillsdale Highway
Portland OR 97221
(26-12329-FCOM)

ORS 471.482(1) – Licensee's employee Amber Kline mixed, poured and drew alcoholic liquor in a portion of the premises that is prohibited to minors when she was under age 21. In addition, the employee took orders for, served, and sold alcoholic liquor that was not incidental to the serving of food (August 16, 2008).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated January 15, 2009. The proposed sanction, considering aggravation, was a nine-day suspension or a \$1,485 civil penalty. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

The violation involved multiple instances of mixing and drawing alcoholic liquor for more than one order.

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 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 originally proposed the standard sanction of a seven-day suspension or a \$1,155.00 civil penalty and added two days for aggravation because the minor employee mixed and drew drinks for multiple orders, for a total of a nine-day suspension or a civil penalty of \$1,485.00
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 \$1,155.00 civil penalty before 5:00 PM on March 26, 2009 **or** serve a seven-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 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 March 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. Good 61, Inc.
Tim Zhen, Pres/Treas/Dir/Stockholder
Xiong-Chuang Zhen, VP/Dir/Stockholder
**HUANG CHENG CHINESE
RESTAURANT**
(F-COM)
831 Alder Street
Elgin OR 97827
(31-43493-FCOM)

Violation Number One
OAR 845-006-0335(3)(a) – Corporate
Principal Tim Zhen permitted two minors
to buy, be served, or drink alcoholic
beverages on the licensed premises
(October 18, 2008).

(First, Category III)

Violation Number Two
OAR 845-006-0335(3)(b) – Corporate
Principal Tim Zhen permitted two minors
to be on the licensed premises or an area
of the licensed premises prohibited to
minors (October 18, 2008).

(First, Category IV)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Amended Notice dated January 23, 2009. The proposed sanction, considering aggravation, was a 29-day suspension or a \$4,785 civil penalty. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Corporate Principal Tim Zhen was personally involved in these violations and made efforts to conceal the violations.
2. These violations involved two minors.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violation Number One as set out in the Amended 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. Licensee accepts responsibility for Violation Number Two as set out in the Amended Notice of Proposed License Suspension/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.
3. The Public Safety Program originally proposed the standard sanction of a 17-day suspension or a \$2,805.00 civil penalty and added 12 days for aggravation because Corporate Principal Tim Zhen was personally involved in the violations, Licensee made efforts to conceal the violations, and the violations involved two minors; for a total of a 29-day suspension or a civil penalty of \$4,785.00
4. The Commission will reduce the sanction by five days. This is equivalent to a 30% reduction of the standard sanction.
5. Licensee will pay a \$3,960.00 civil penalty before 5:00 PM on March 26, 2009 **or** serve a 24-day suspension beginning at 7:00 AM on March 31, 2009 and ending at 7:00 AM on April 24, 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 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.

8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 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

8. Resture, LLC
Insik Choe, Managing Member
Kiyoshi Adachi, Member
Myoung Sim Choe, Member
Koonja Choi, Member
Hack Moo Kim, Member
Ilchul Shin, Member
SUSHVILLE (L)
1514 NW 23rd Avenue
Portland OR 97210
(26-37218-L)
And
SUSHVILLE (L)
663 NW Division Street
Gresham OR 97030
(26-36758-L)
- ORS 471.315(1)(a)(I) – 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)

SETTLEMENT AGREEMENT

Note: Licensee was charged with this violation by Notice dated May 9, 2008. 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 Notice of Proposed License Cancellation dated May 9, 2008. This was Licensee's first Category I violation within two years.
2. Staff originally proposed to cancel the licenses for the charged violation.
3. Licensee has provided documentation showing that Insik Choe, Managing Member, and Myong Shim Choe, Member, have divested their interest in Resture, LLC.
4. The Commission will add a restriction to each of the licenses that states: "Licensee shall prohibit Insik Choe and Myong Shim Choe from being on the licensed premises at all times and from participating in the operation or management of the business." This restriction shall remain on the licenses until the Commission removes or modifies the restriction.
5. Licensee will accept the licenses with this restriction.
6. Licensee will accept a Letter of Reprimand for this violation.
7. Licensee withdraws the request for a hearing in this matter.
8. If Licensee's interest in the licenses expires before the Commission issues a final order on this allegation, Licensee agrees to accept a Letter of Reprimand for this violation. This Letter of 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 March 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 hearings rights will be restored.

VIOLATION CASES TO BE RATIFIED BY COMMISSION

9. Susan Yeung
Wu Yong Yuan
LUCKY LOUNGE CHINESE FOOD
(F-COM)
562 4th Street
Gervais OR 97026
(24-23649-FCOM)

OAR 845-006-0335(1) – Licensees' employee Willie Yuan 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 (March 28, 2008).

(Fourth, Category III)

LETTER OF REPRIMAND

Note: Licensees originally requested a hearing and withdrew that request on February 5, 2009. Because Licensees transferred the liquor license effective January 20, 2009 and therefore no longer hold a liquor license, the Public Safety Program recommends the Commission issue Licensees a Letter of Reprimand. This reprimand will become a permanent part of the Licensees' Commission file and may be considered in any future application for a liquor license by the Licensees.