

# ADMINISTRATIVE POLICY & PROCESS DIVISION

May 20, 2009

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Blachana, LLC  
JNC Properties, LLC, Member  
**PORTSMOUTH PIZZA & PUB**  
5262 N. Lombard Avenue  
Portland OR 97203  
(26-00175-FCOM)

OAR 845-006-0347(3) – Licensee permitted unlawful activity when employee Ronald Smith provided private security services as a private security professional at the licensed premises without being certified to do so under ORS 181.878 in violation of ORS 181.991(1)(b) (from about December 12, 2007 to about December 12, 2008).

(Second, Category III)

Note: Licensee was charged with this violation by Amended Notice dated February 26, 2009. The proposed sanction, considering aggravation, was a 32-day suspension or a \$4,950 civil penalty and two days of mandatory suspension. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Employee Ronald Smith worked for over six months without DPSST certification.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Amended 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-year period 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 for the violation and added two days for aggravation because Licensee's employee did not have DPSST certification for over six months, for a total of a 32-day suspension or a civil penalty of \$4,950.00 and two days of mandatory 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 pay a \$3,795.00 civil penalty before 5:00 PM on May 28, 2009 **or** serve a 23-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 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 May 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. Oregon City Coney Island, Inc.  
Cary Anderson, President/Director/Stkhldr  
**THE CONEY ISLAND TAVERN**  
1413 Washington Street  
Oregon City OR 97045  
(03-02644-FCOM)

ORS 471.360(1)(c) – Licensee’s servant(s), agent(s), employee(s) or representative(s), Melody A. Moor [sic] committed the following violation of the Oregon Liquor Control Laws and/or Administrative Rules by failure to make a service permit available (on 2/10/09 at about 8:01 PM).

(First, Category IV)

Note: Licensee was charged with this violation by Violation Notice dated March 5, 2009. The proposed sanction, after the deadline to accept a reduced penalty, was a seven-day suspension or a \$1,155 civil penalty. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

(Licensee’s fine is fully paid as of April 29, 2009.)

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Violation Notice. 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, after the deadline to accept a reduced penalty, the standard sanction of a seven-day suspension or a \$1,155.00 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 an \$825.00 civil penalty before 5:00 PM on May 28, 2009 **or** serve a five-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 7, 2009. Licensee paid \$805.50 of the civil penalty on April 15, 2009 and will pay the remaining \$19.50 before 5:00 PM on May 28, 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 May 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. Rivershore Restaurants, LLC  
Alan Sanchez, Managing Member  
**RIVERSHORE BAR & GRILL**  
1900 Clackamette Drive  
Oregon City OR 97045  
(03-02158-FCOM)

ORS 471.360(1)(b) – Licensee permitted Alyssa Arnold and Melissa Owens to mix, sell, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about May 2008 to about February 20, 2009).

Note: Licensee was charged with this violation by Notice dated March 19, 2009. The proposed sanction, considering aggravation, was a 14-day suspension or a \$2,310 civil penalty. Licensee wishes to enter into this Settlement Agreement.

### AGGRAVATION

1. Two employees were involved in the violation.
2. Melissa Owens 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 four days because two employees were involved, one of whom was without a service permit for more than six months, for a total sanction of a 14-day suspension or \$2,310.00 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 \$1,815.00 by 5:00 PM on May 28, 2009 **or** serve an 11-day license suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 13, 2009.
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 May 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

4. FCO-Bend, LLC  
Robert Lumsden, Member  
Cameron Lumsden, Member  
Lisa Lumsden, Member  
**FLATBREAD COMMUNITY OVEN**  
375 SW Powerhouse Dr #130  
Bend OR 97702  
(09-43892-L)

ORS 471.360(1)(b) – Licensee permitted Martha Cadden to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about June 5, 2008 to about February 28, 2009).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated April 1, 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

Martha Cadden 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 without a service permit for more than six months, 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 May 28, 2009 or serve a nine-day license suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 11, 2009.
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 May 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

5. C&K Market Inc.  
Douglas Nidiffer, President/Director/Stkhldr  
Alan Nidiffer, Secretary/Treasurer/Director  
Larry Hage, Director/Stockholder  
Nancy Nidiffer, Director  
**RAY'S FOOD PLACE #1**  
906 Chetco  
Brookings OR 97415  
(08-04216-O)

OAR 845-006-0335(1)(a)(b)(c) –  
Licensee's employee Joseph Gray 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 (January 30, 2009).

(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).

Note: Licensee was charged with this violation by  
Notice dated March 9, 2009. The proposed  
sanction, considering aggravation, was a 12-day  
suspension or a \$1,980 civil penalty. Licensee  
originally requested a hearing but 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 the 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. 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 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 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 May 28, 2009 or serve a nine-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 11, 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. Licensee withdraws the request for a hearing.
7. 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.

8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their May 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. Tumay Corp.  
Sara Tuite, President/Secretary/Dir/Stkhldr  
**MIXERS BAR & GRILL**  
11920 SW Pacific Highway  
Tigard OR 97223  
(34-02373-FCOM)

OAR 845-006-0347(3) – Licensee permitted unlawful activity when Michael Bradley and Tommy J. Wilson Jr. provided private security services as private security professionals at the licensed premises 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 February 5, 2007 to January 14, 2009).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated February 26, 2009. The proposed sanction, considering aggravation, was a 14-day suspension or a \$2,310 civil penalty. Licensee originally requested a hearing but now wishes to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

1. Employee Michael Bradley worked for over six months without DPSST certification.
2. 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 four days for aggravation because employee Michael Bradley worked for over six months without DPSST certification and two employees were involved in the violation, for a total of a 14-day suspension or a civil penalty of \$2,310.00.
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 \$1,815.00 civil penalty before 5:00 PM on May 28, 2009 or serve an 11-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 13, 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. The agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their May 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. Phuong Ngoc Truong  
**MT PARK GROCERY & DELI**  
4A SW Monroe Parkway  
Lake Oswego OR 97034  
(03-02622-O)

OAR 845-006-0335(1)(a)(b)(c) –  
Licensee's employee Lieu Le Truong  
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  
(November 10, 2008).

(Second, Category III)

Note: Licensee was charged with this violation by  
Notice dated February 25, 2009. The proposed  
sanction, considering aggravation, was a 32-day  
suspension or a \$4,950 civil penalty and two days  
of mandatory suspension. Licensee originally  
requested a hearing but now wishes to withdraw  
that request to enter into this Settlement  
Agreement.

### AGGRAVATION

The violation involved a sale to a juvenile.

### 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-year period 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 two days of aggravation because the violation involved a sale to a juvenile, for a total sanction of a 32-day suspension or a \$4,950.00 civil penalty and a two-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 pay a \$3,795.00 civil penalty before 5:00 PM on May 28, 2009 or serve a 23-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 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 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 May 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. EET, LLC  
Ellen Morrison, Managing Member  
Eulace Morrison, Member  
Tania Samarin, Member  
**FRANK N STEINS PUB**  
185 E Charles Street  
Mt. Angel OR 97362  
(24-02960-FCOM)

OAR 845-006-0335(1)(a)(b)(c) –  
Licensee's employees Deryl Connell and  
Colleen Serpico 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 (September  
12, 2008).

(Second, Category III)

Note: Licensee was charged with this violation by  
Notice dated November 12, 2008. The proposed  
sanction, considering aggravation, was a 34-day  
suspension or a \$4,950 civil penalty and four days  
of mandatory suspension. Licensee originally  
requested a hearing but now wishes to withdraw  
that request to enter into this Settlement  
Agreement.

### AGGRAVATION

1. Two employees were involved in this violation.
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. This was Licensee's 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 four days because two employees were involved and for not using age verification equipment to prevent the current violation after previously being allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor, for a total sanction of a 34-day suspension. Licensee had the option of paying a \$4,950.00 civil penalty in lieu of 30 days of suspension with the remaining four days mandatory.
3. The Commission will reduce the penalty by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a civil penalty of \$4,125.00 by 5:00 PM on May 28, 2009 **or** serve a 25-day license suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 27, 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 May 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. The Vinyl Club, LLC  
Shahar Ben-Barak, Managing Member  
**THE VINYL CLUB**  
130 Will Dodge Way  
Ashland OR 97520  
(15-36367-FCOM)

OAR 845-006-0335(1)(a)(b)(c) –  
Licensee's employee Jeremy Braun 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 (December 6, 2008).

(First, Category III)

Note: Licensee was charged with this violation by  
Notice dated February 24, 2009. The proposed  
sanction, considering aggravation, was a 12-day  
suspension or a \$1,980 civil penalty. Licensee  
originally requested a hearing but 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/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 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 12-day suspension or a civil penalty or \$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 May 28, 2009 or serve a nine-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 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 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 May 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

10. Dancin Bear Properties, LLC  
Jackie Mackey, Managing Member  
**MARGARITAS**  
1593 Mt. Hood Ave  
Woodburn OR 97071  
(24-41678-FCOM)

Violation Number One  
OAR 845-006-0335(1)(a)(b)(c) –  
Licensee’s employee Michael Variano  
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 (September 12, 2008).

(First, Category III)

Violation Number Two  
ORS 471.360(1)(b) – Licensee permitted  
Michael Variano to sell, mix, or serve  
alcoholic beverages, or supervise those  
who do, without a valid service permit  
(from about July 18, 2008 to about  
September 12, 2008).

(Second, Category III)

Note: Licensee was charged with these violations by  
Amended Notice dated March 16, 2009. The  
proposed sanction, considering mitigation, was a  
20-day suspension or a \$3,300 civil penalty.  
Licensee originally requested a hearing but now  
wishes to withdraw that request to enter into this  
Settlement Agreement.

### MITIGATION

Violation Numbers One and Two will each be charged at  
the first level of Category III because they were  
discovered concurrently.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out above. These were Licensee’s first and second Category III violations within two years. Because the violations were charged at the first level of Category III because they were discovered concurrently, any subsequent violation of this type within a two-year period will be charged at the second level.
2. Public Safety Program staff originally proposed, after the deadline to accept a reduced penalty, a 10-day license suspension or a civil penalty of \$1,650.00 for each of the violations.
3. The commission will reduce the sanction for the violations by six days. This is equivalent to a 30% reduction of the standard sanction for both violations.
4. Licensee will pay a civil penalty of \$2,310.00 by 5:00 PM on May 28, 2009 or serve a 14-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 16, 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 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.

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

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

11. DDM Enterprises, LLC  
Dennis Cardwell, Managing Member  
Darren Henderson, Member  
**RED LINE SPORTS BAR & GRILL**  
2098 Old Portland Road  
St. Helens OR 97051  
(05-26346-FCOM)

OAR 845-006-0345(1) – Licensee’s  
employee Sonya McBryde drank alcoholic  
beverages while on duty at the licensed  
premises (June 6, 2008).

(Second, Category III)

Note: Licensee was charged with this violation by  
Amended Notice dated February 2, 2009. The  
proposed sanction was a 30-day suspension or a  
\$4,950 civil penalty. Licensee originally  
requested a hearing but 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. This violation was Licensee’s 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 Public Safety Program originally proposed the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
3. Licensee will pay a \$3,465.00 civil penalty before 5:00 PM on May 28, 2009 **or** serve a 21-day suspension beginning at 7:00 AM on June 2, 2009 and ending at 7:00 AM on June 23, 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 May 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

12. Moon Times, Inc.  
Josh Maquet, Pres/Sec/Treas/Dir/Stkhldr  
**ASTRO LOUNGE**  
147 NW Minnesota Avenue  
Bend OR 97701  
(09-35852-FCOM)

OAR 845-006-0345(1) – Corporate  
Principal Josh Maquet was under the  
influence of intoxicants while on duty at  
the licensed premises (August 6, 2008).  
  
(First, Category II)

Note: Licensee was charged with this violation by  
Notice dated November 19, 2008. The proposed  
sanction, considering aggravation, was a 32-day  
suspension. Licensee originally requested a  
hearing but now wishes to withdraw that request  
to enter into this Settlement Agreement.

### AGGRAVATION

Corporate Principal Josh Maquet personally committed  
this 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 first Category II 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 30-day suspension and aggravated the penalty by two days because Corporate Principal Maquet was personally involved in the violation, for a total sanction of a 32-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 23-day license suspension beginning at 7:00 AM on May 28, 2009 and ending at 7:00 AM on June 20, 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 May 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.