

ADMINISTRATIVE POLICY & PROCESS DIVISION

October 15 & 16, 2009

STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Mt Hood Gas Station, Inc.
Leonard Henson, President/Dir/Stockholder
Debora Henson, Sec/Treas/Dir/Stockholder
MT HOOD ARCO (O)
39555 Pioneer Boulevard
Sandy OR 97055
(03-20124-O)

OAR 845-006-0335(1)(a)(b)(c) –
Licensee’s employee Erica Johnson failed
to verify the age of a Clackamas County
Sheriff’s Office minor decoy before
allowing him to buy or be served an
alcoholic beverage when he reasonably
appeared to be under 26 years of age
(June 12, 2009).

Note: Licensee was charged with this violation by
Notice dated August 14, 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.

(First, 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).

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 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 October 26, 2009 or serve a nine-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 9, 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 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 October 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. Enserv, LLC
Jeffrey Johnston, Managing Member
George Johnston, Member
Mary Jo Johnston, Member
SHERWOOD SHELL (O)
20945 SW Pacific Highway
Sherwood OR 97140
(34-25266-O)

OAR 845-006-0335(1)(a)(b)(c) –
Licensee’s employee James Lunsford
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 (July 30, 2009).

(First, 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 September 15, 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

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 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 October 26, 2009 or serve a nine-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 9, 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 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 October 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. Curlys Enterprises, Inc.
Nancy Young-Lincoln, Pres/Stockholder
Carl Lincoln, Vice President/Stockholder
Danyiel Walker, Treasurer
CALDERAS (F-COM)
300 N Lake Street
Joseph OR 97846
(32-40738-FCOM)

OAR 845-006-0335(1)(a)(b)(c) –
Licensee’s employee Cherise Longoria
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 (July 24, 2009).

(First, Category III)

Note: Licensee was a member of the
Responsible Vendor Program at
the time of this violation.
Because Licensee did not have
all of the Responsible Vendor
Program standards 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).

Note: Licensee was charged with this violation by
Notice dated August 24, 2009. 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 Removal from 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.
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 \$1,155.00 civil penalty before 5:00 PM on October 26, 2009 **or** serve a seven-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 7, 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 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 October 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. Jee Kim
Young Kim
WESTSIDE MARKET (O)
919 SW 14th
Portland OR 97205
(26-05167-O)

OAR 845-006-0335(1)(a)(b)(c) – Licensee
Jee Kim 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 (April 29, 2009).

(First, Category III)

Note: Licensees were charged with this violation by
Notice dated May 20, 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.

AGGRAVATION

Licensee Jee Kim 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 Jee Kim 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 October 16, 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. Licensees will pay a \$330.00 civil penalty before 5:00 PM on October 25, 2009 **or** serve a two-day suspension beginning at 7:00 AM on October 30, 2009 and ending at 7:00 AM on November 1, 2009.
5. Licensees withdraw the request for a hearing.
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 October 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

5. High Five Enterprises, Inc.
Ronald Biggs, President/Dir/Stockholder
Pamela Biggs, Sec/Treas/Dir/Stockholder
ROADHOUSE PUB (F-COM)
335 Third Street
Lafayette OR 97127
(36-03453-FCOM)

OAR 845-006-0335(1)(a)(b)(c) –
Corporate Principal Ronald Biggs 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 (July 18, 2009).

(First, Category III)

Note: Licensee was charged with this violation by
Notice dated September 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.

(Licensee paid the \$330 fine on September 14, 2009.)

AGGRAVATION

Corporate Principal Ronald Biggs 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 Corporate Principal Ronald Biggs 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. 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 October 26, 2009 or serve a two-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 2, 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 October 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

6. Happy Fortune Restaurant, Inc.
Lap "Michael" Chan, Pres/VP/Secretary/
Treasurer/Stockholder
HAPPY FORTUNE RESTAURANT
(F-COM)
10420 SW Barbur Boulevard
Portland OR 97219
(26-07493-FCOM)

ORS 471.360(1)(b) – Licensee permitted
Corporate Principal Lap "Michael" Chan
to mix, sell, or serve alcoholic beverages,
or supervise those who do, without a valid
service permit (from about March 17,
2009 to about June 19, 2009).

(First, Category III)

Note: Licensee was charged with this violation by
Notice dated August 7, 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

Corporate Principal Lap "Michael" Chan 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 Corporate Principal Lap "Michael" Chan 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 October 26, 2009 **or** serve a nine-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 9, 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 October 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

7. JER Portland Hotel, LLC
Sage Portland, LLC, Manager
JER Portland Hotel Member, LLC, Member
Sage Client 323, LLC
Sage Hospitality Resources, LLC,
Managing Member
**PORTLAND COURTYARD BY
MARRIOTT / THE ORIGINAL**
300 SW 6th Avenue
Portland OR 97204
(26-45101-FCOM)

ORS 471.360(1)(b) – Licensees permitted
Savanna Ray and Hope Roggenkamp to
sell, mix, or serve alcoholic beverages, or
supervise those who do, without valid
service permits (from about May 21, 2009
to about July 23, 2009).

(First, Category III)

Note: Licensees were charged with this violation by
Notice dated August 24, 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.

AGGRAVATION

Two employees were 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 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. Licensees will pay a \$1,485.00 civil penalty before 5:00 PM on October 26, 2009 **or** serve a nine-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 9, 2009.
5. Licensees withdraw the request for a hearing.
6. If Licensees' interest in the license expires or is transferred before the Commission issues a final order on the 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 October 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

8. McMenemy's, Inc.
Mike McMenemy, President/Dir/Stkhldr
Brian McMenemy, VP/Sec/Dir/Stockholder
RALEIGH HILLS PUB (F-COM)
4495 SW Scholls Ferry Road
Portland OR 97225
(34-30038-FCOM)

ORS 471.360(1)(b) – Licensee permitted Kansas Callaway to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about March 30, 2008 to about March 30, 2009).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated May 5, 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.

AGGRAVATION

Kansas Callaway 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/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 October 26, 2009 **or** serve a nine-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 9, 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 October 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. Holocene, LLC
Jarkko Cain, Managing Member
Charles Hodge, Member
HOLOCENE (F-COM)
1001 SE Morrison Street
Portland OR 97214
(26-37199-FCOM)

ORS 471.360(1)(b) – Licensee permitted Jayme Hansen and Jarkko Cain to mix, sell, or serve alcoholic beverages, or supervise those who do, without valid service permits (for varying lengths of time from about January 30, 2009 to about June 20, 2009).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated August 10, 2009. 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

Two employees, including Managing Member Cain, 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 two employees, including Managing Member Cain, 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 October 26, 2009 **or** serve an 11-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 11, 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 October 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. Janiese Wilkerson
John Wilkerson
7-ELEVEN STORE #2363-17234D (O)
1988 Virginia
North Bend OR 97459
(06-04183-O)

OAR 845-006-0335(1)(a)(b)(c) –
Licensees' employee Norman Bailey
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 (July 10, 2009).

(Second, Category III)

Note: Licensees were members of the
Responsible Vendor Program at
the time of this violation.
Because aggravating
circumstances were involved at
the time of the violation,
Licensees are required to be
removed from the Program and
are therefore no longer eligible
for reduced sanctions based on
Category III(a).

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

(Licensees paid the \$3,795 civil penalty on September 28,
2009.)

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 the Responsible Vendor Program. This was Licensees' second Category III violation within two years. Any subsequent violation of this type within two years will be charged at the third level.
2. The Public Safety Program originally proposed for this violation the standard sanction of a 30-day suspension or a \$4,950.00 civil penalty and added two days of aggravation because 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 and the age verification equipment was not used to prevent the current violation, for a total of a 32-day suspension or a civil penalty of \$4,950.00 with two days of suspension mandatory.
3. The Commission will reduce the sanction by nine days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a \$3,795.00 civil penalty before 5:00 PM on October 26, 2009 or serve a 23-day suspension beginning at 7:00 AM on October 31, 2009 and ending at 7:00 AM on November 23, 2009.
5. Licensees will be removed from the Responsible Vendor Program. Licensees may reapply for the program one year after this settlement 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 October 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

11. Six, LLC aka Six Lounge, LLC
Spencer Emmons, Managing Member
dba **SIX ULTRA LOUNGE** (F-COM)
248 Liberty Street NE
Salem OR 97301
(24-35938-FCOM)

Violation Number One

ORS 471.315(1)(c) – There is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises or involving patrons of the establishment in the immediate vicinity of the premises (from about March 1, 2008 to about June 21, 2009).

(First, Category I)

Violation Number Two

OAR 845-006-0345(1) – Managing Member Spencer Emmons was under the influence of intoxicants while on duty at Six Ultra Lounge (November 22 and 23, 2008).

(First, Category II)

Violation Number Three

ORS 471.360(1)(b) – Licensee permitted Ryan Hawkins to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about July 29, 2008 to about December 5, 2008).

(Second, Category III)

Violation Number Four

OAR 845-006-0347(2)(a) – Licensee permitted disorderly activities on the licensed premises when Maribel Hernandez assaulted Elsa Torres inside the premises (June 21, 2009).

(Third, Category III)

Note: Licensee was charged with this violation by Second Amended Notice dated July 1, 2009. The proposed sanction, considering aggravation, was cancellation. Licensee originally requested a hearing and now wishes withdraw that request to enter into this Settlement Agreement.

AGGRAVATION

1. Multiple patrons and employees have been injured.
2. Managing Member Spencer Emmons was personally involved in Violation Numbers One and Two.
3. Managing Member Spencer Emmons was under the influence of intoxicants while on duty at Six Ultra Lounge on multiple occasions.

Violation Number Five

OAR 845-006-0347(4)(a) – Licensee’s employees failed to evict patrons Maribel Hernandez from Six Ultra Lounge when they knew she had engaged in noisy, disorderly, or unlawful activities (June 21, 2009).

(First, Category IV)

Note: Licensee was a member of the Responsible Vendor Program at the time of this violation. Because Violation One 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).

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations and the bases for refusing to renew the license as set out in the Second Amended Notice of Proposed License Cancellation, Removal from Responsible Vendor Program, and Proposed Refusal to Renew License. These violations were Licensee’s first Category I violation, first Category II violation, second and third Category III violations, and first Category IV violation.
2. The Public Safety Program originally proposed to cancel the license for these violations.
3. Licensee has begun the process to sell the business. Licensee will surrender its Full On-Premises Sales license on the earlier of the date the transfer of ownership of the business is completed or noon on December 21, 2009.
4. Licensee will close the business through at least October 20, 2009. While the business is closed, Licensee and its agents, servants, or employees shall not allow the sale, service, or consumption of alcoholic beverages at the licensed premises. Licensee may not reopen the business without prior approval from Public Safety Program staff of a compliance plan.
5. Licensee’s renewal application will be renewed with the following restrictions, which Licensee will accept on its license:

All alcohol sales and service will end by 1:00 am and the premises will close by 1:30 am. After 1:30 am, Licensee and its agents, servants, or employees shall not allow the sale, service, or consumption of alcoholic beverages at the licensed premises.
6. Licensee will be removed from the Responsible Vendor Program.

7. Licensee agrees to accept a Letter of Reprimand for these violations.
8. Licensee withdraws the request for a hearing.
9. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 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. Spring River Productions, Inc.
James Borovicka, President/Dir/Stkhldr
JIMMY'S SMOKEHOUSE & PIZZERIA (L)
7025 SW Macadam Avenue
Portland OR 97219
(26-39922-L)

OAR 845-005-0400(1) – Licensee failed to maintain liquor liability insurance or a bond with a corporate surety in the amount of not less than \$300,000.00 for Jimmy's Smokehouse & Pizzeria (from about February 21, 2009 to about July 13, 2009).

(First, Category I)

Note: Licensee was charged with this violation by Notice dated August 28, 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 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.
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 October 31, 2009 and ending at 7:00 AM on November 30, 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 October 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

13. LaVon Van
**LV'S SPORTS BAR RESTAURANT &
LOUNGE (F-COM)**
3530 N Vancouver
Portland OR 97212
(26-00117-FCOM)

ORS 471.315(1)(c) – There is a history of serious and persistent problems involving patrons of the establishment in the immediate vicinity of the premises, including but not limited to excessive noise, public drunkenness, fights, altercations, harassment and public urination (from about February 4, 2007 to about October 4, 2008).

Note: Licensee was charged with this violation by Notice dated January 7, 2009. The proposed sanction was cancellation. Licensee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

(First, Category I)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Cancellation dated January 7, 2009. This was Licensee's first Category I violation.
2. Commission staff originally proposed to cancel the license for the charged violation.
3. In lieu of license cancellation, the Commission will impose the following restrictions to the license, effective on the date this agreement is ratified:
 1. Licensee shall prohibit the sale, service, or consumption of alcoholic beverages between 1:30 AM and 2:30 AM.
 2. Licensee shall limit each patron to possessing no more than one container of alcohol at a time.
 3. Licensee shall limit the amount of alcohol in a container to no more than 16 ounces of malt beverage, 6 ounces of wine, or 2 ounces of distilled spirits.
 4. Licensee shall have at least two DPSST-certified security staff on duty on the premises between 8:00 PM and closing on Friday and Saturday nights to monitor patrons inside the premises and in the immediate vicinity adjacent to the premises.
4. Licensee will accept the license with these restrictions, and the Commission will renew Licensee's license subject to these restrictions.
5. Licensee will pay a civil penalty of \$2,640.00 by 5:00 PM on October 26, 2009 **and** serve a five-day license suspension beginning at 7:00 AM on November 1, 2009 and ending at 7:00 AM on November 6, 2009.
6. Licensee withdraws the request for a hearing in this matter.
7. 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 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.

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