

# ADMINISTRATIVE POLICY & PROCESS DIVISION

September 14, 2009

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

1. Jay Lee  
Youn Lee  
**JAY MINIT MART (O)**  
17424 SE Stark  
Portland OR 97233  
(26-00334-O)

OAR 845-006-0335(1)(a)(b)(c) – Licensee Youn Lee failed to verify the age of a Multnomah 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 (May 19, 2009).

(First, Category III)

Note: Licensees were charged with this violation by Notice dated June 15, 2009. The proposed sanction, considering aggravation, was a 12-day suspension or \$1,980 civil penalty. Licensees originally requested a hearing and now wish to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Licensee Youn Lee 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 violation was Licensees' 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 Licensee Youn Lee was personally involved in this 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 August 31, 2009 and will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age in lieu of 10 days of suspension or \$1,650.00 of 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 September 24, 2009 **or** serve a two-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 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 September

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. C & K Market, Inc.  
Douglas Nidiffer, President/Dir/Stockholder  
Alan Nidiffer, Secretary/Treasurer/Director  
Larry Hage, Director/Stockholder  
Nancy Nidiffer, Director  
**RAY'S PRICE LESS FOODS #56 (O)**  
811 East Central  
Sutherlin OR 97479  
(10-04388-O)

OAR 845-006-0335(1)(a)(b)(c) –  
Licensee's employee Roxann McKown  
failed to verify an OLCC minor decoy's  
age before allowing him to buy or be  
served an alcoholic beverage when he  
reasonably appeared to be under 26  
years of age (May 15, 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 July 6, 2009. The proposed  
sanction, considering aggravation, was a 12-day  
suspension or \$1,980 civil penalty. Licensee  
originally requested a hearing and 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 and the age  
verification equipment was not used to prevent the current  
violation.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice of Proposed License Suspension/Civil Penalty and Removal from the Responsible Vendor Program. 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 for this violation the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days for aggravation because Licensee has previously been allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the current violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on September 24, 2009 or serve a nine-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 8, 2009.
5. Licensee will be removed from the Responsible Vendor Program. Licensee may reapply for the program one year after this settlement is ratified.

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 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 September 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. B Sydney Enterprises, LLC  
Bert Jones, Managing Member  
**THE END ZONE SPORTS BAR & GRILL**  
(F-COM)  
980 North Pacific Highway  
Woodburn OR 97071  
(24-02290-FCOM)

OAR 845-006-0335(1)(a)(b)(c) –  
Licensee's employee Leta McConn failed  
to verify the ages of two OLCC minor  
decoys before allowing them to buy or be  
served alcoholic beverages when they  
reasonably appeared to be under 26  
years of age (September 12, 2008).

(First, Category III)

Note: Licensee was charged with this violation by OLCC  
Violation Notice dated October 10, 2008. The  
proposed sanction, after the deadline to accept  
the reduced penalty, 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 OLCC Violation Notice. 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, after the deadline to accept the reduced penalty, the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will pay a \$1,155.00 civil penalty before 5:00 PM on September 24, 2009 or serve a seven-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 6, 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 September 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. Hyong P. Kim  
Yong K. Kim  
**BEAVERCREEK GROCERY (O)**  
22001 South Beaver Creek Road  
Beaver Creek OR 97004  
(03-02459-O)

OAR 845-006-0335(1)(a)(b)(c) – Licensee Hyong P. Kim 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 21, 2009).

(First, Category III)

Note: Licensees were 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. Licensees wish to enter into this Settlement Agreement.

### AGGRAVATION

Licensee Hyong P. 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 violation was Licensees' 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 Licensee Hyong P. Kim was personally involved in this violation, for a total sanction of a 12-day suspension or a \$1,980.00 civil penalty.
3. Licensees have installed 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. 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 September 24, 2009 **or** serve a two-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 1, 2009.
5. 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

5. Jason Hurt  
Gerald Sanders  
**RESTON RED'S aka THE BEAVER DEN  
BAR & GRILL (F-COM)**  
929 SE Stephens  
Roseburg OR 97470  
(10-11916-FCOM)

OAR 845-006-0335(1)(a)(b)(c) – Licensee Jason Hurt failed to verify the ages of four minors before allowing them to buy or be served alcoholic beverages when they reasonably appeared to be under 26 years of age (July 11, 2009).

(First, 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 August 3, 2009. The proposed sanction, considering aggravation, was an 18-day suspension or \$2,970 civil penalty. Licensees wish to enter into this Settlement Agreement.

### AGGRAVATION

1. Licensee Jason Hurt was involved in this violation.
2. Four minors 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 and Removal from the Responsible Vendor Program. This violation was Licensees' 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 eight days for aggravation because Licensee Jason Hurt and four minors were involved in this violation, for a total sanction of an 18-day suspension or a \$2,970.00 civil penalty.
3. The Commission will reduce the sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensees will pay a \$2,475.00 civil penalty before 5:00 PM on September 24, 2009 **or** serve a 15-day suspension beginning at 7:00 AM September 29, 2009 and ending at 7:00 AM on October 14, 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 September 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

6. Alan Wu, Inc.  
Hong Wu, Secretary/Director/Stockholder  
Zhao Liao, President/Director/Stockholder  
**CHIAM BAR & RESTAURANT** (F-COM)  
2865 Liberty Street NE  
Salem OR 97303  
(24-28389-FCOM)

ORS 471.360(1)(b) – Licensee permitted Sarah Ramirez aka Sarah Witterick to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about October 2008 to about June 8, 2009).

(First, Category III)

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

(Licensee paid the \$1,485.00 civil penalty on July 31, 2009.)

### AGGRAVATION

Sarah Ramirez aka Sarah Witterick 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 September 24, 2009 or serve a nine-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 8, 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 September 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. Action Sheet Metal, Inc.  
Victor Hart, President/Stockholder  
Leslie Glasser, Secretary/Stockholder  
**PINEWAY GC & RESTAURANT (F-COM)**  
30949 Pineway Road  
Lebanon OR 97355  
(22-45218-FCOM)

ORS 471.360(1)(b) – Licensee permitted Corporate Principal Victor Hart to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about May 29, 2009 to about July 8, 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 originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

(Licensee paid the \$1,485 civil penalty on August 27, 2009.)

### AGGRAVATION

Corporate Principal Victor Hart 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 Victor Hart 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 September 24, 2009 or serve a nine-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 8, 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 September 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. Wigwam Corporation  
Willie Harris III, President/Dir/Stockholder  
Karen Harris, Secretary/VP/Dir/Stockholder  
**WIGWAM TAVERN** (F-COM, L)  
52499 South Columbia River Highway  
Scappoose OR 97056  
(05-02847-FCOM)

ORS 471.360(1)(b) – Licensee permitted Corporate Principal Willie Harris III to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about January 25, 2009 to about April 23, 2009).

(First, Category III)

Note: Licensee was charged with this violation by Notice dated June 10, 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

Corporate Principal Willie Harris III 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 the standard sanction of a 10-day suspension or a \$1,650.00 civil penalty and added two days of aggravation because Corporate Principal Willie Harris III 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 September 24, 2009 or serve a nine-day suspension of both the Full On-Premises Sales license and the Limited On-Premises Sales license beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 8, 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 September 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. Coastal Hotel Group, LLC  
NC Lodging, LLC, Member  
Oly-IDA Riverfront, LLC  
Oly-IDA Hotels, LLC, Managing Member  
**H50 BISTRO & BAR (F-COM)**  
50 SW Morrison  
Portland OR 97204  
(26-03782-FCOM)

ORS 471.360(1)(b) – Licensees permitted Michael Hayhurst to sell, mix, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about September 4, 2008 to about May 28, 2009).

(First, Category III)

Note: Licensees were charged with this violation by Notice dated July 15, 2009. The proposed sanction, considering aggravation, was a 12-day suspension or a \$1,980 civil penalty. Licensees wish to enter into this Settlement Agreement.

### AGGRAVATION

Michael Hayhurst did not have a valid service permit for over six months.

### 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 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. Licensees will pay a \$1,485.00 civil penalty before 5:00 PM on September 24, 2009 or serve a nine-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 8, 2009.
5. 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

10. Melody A. Moore  
16851 S. Wachtman Road  
Oregon City OR 97045  
(SP No. 262781)

ORS 471.360(1)(c) – Permittee failed to make a service permit available to OLCC inspectors (February 10, 2009).

(First, Category IV)

Note: Permittee was charged with this violation by OLCC Violation Notice dated March 9, 2009. The proposed sanction, after the deadline to accept a reduced sanction, was a seven-day suspension or a \$175 civil penalty. Permittee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the OLCC Violation Notice. This was Permittee'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 sanction, the standard sanction of a seven-day suspension or a \$175.00 civil penalty for the violation.
3. The Commission will reduce the sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Permittee will pay a \$125.00 civil penalty before 5:00 PM on September 24, 2009 or serve a five-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 4, 2009.
5. Permittee withdraws the request for a hearing.
6. If Permittee's service permit expires before the Commission issues a final order on the allegation, Permittee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of Permittee's Commission file.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 2009 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Permittee's hearing rights will be restored.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

11. Dale Dahlstrom  
9513 SW 54<sup>th</sup>  
Portland OR 97219  
(SP No. 278628)

ORS 471.410(2) – Permittee knowingly sold or made alcohol available to a visibly intoxicated person at 82<sup>nd</sup> Street Bar & Grill (February 14, 2009).

(First, Category III)

Note: Permittee was charged with this violation by OLCC Violation Notice dated April 20, 2009. The proposed sanction, after the deadline to accept a reduced sanction, was a 10-day suspension or a \$250 civil penalty. Permittee originally requested a hearing and now wishes to withdraw that request to enter into this Settlement Agreement.

### TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violation as set out in the OLCC Violation Notice. This violation was Permittee'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. Public Safety Program staff originally proposed, after the deadline to accept a reduced sanction, the standard sanction of a 10-day suspension or a \$250.00 civil penalty.
3. The Commission will reduce the standard sanction by three days. This is equivalent to a 30% reduction of the standard sanction.
4. Permittee will pay a civil penalty of \$175.00 by 5:00 PM on September 24, 2009 or serve a seven-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 6, 2009.
5. Permittee withdraws the request for a hearing in this matter.
6. If Permittee's Service Permit expires before the Commission issues a final order on this allegation, Permittee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the Permittee's Commission file.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 2009 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Permittee's hearing rights will be restored.

## STIPULATED SETTLEMENT AGREEMENT FOR ENTRY INTO FINAL ORDER

12. Michael Bilyeu  
Reeta Bilyeu  
**ROUND-UP ROOM** (F-COM)  
597 SW Birch Place  
Pilot Rock OR 97868  
(30-38999-FCOM)

Violation Number One  
OAR 845-006-0345(1) – Licensee Reeta Bilyeu was under the influence of intoxicants while on duty at Round-Up Room (February 11, 2009).

(First, Category II)

Violation Number Two  
OAR 845-006-0460(2)(a) – Licensees failed to meet the food service requirements for a Full On-Premises Sales license when they failed to make available to patrons an offering of at least five different meals during the regular meal period of 5:00 PM to 8:00 PM (February 11, 2009).

(First, Category III)

Violation Number Three  
OAR 845-006-0460(3) – Licensees failed to meet the food service requirements for a Full On-Premises Sales license when they failed to make available to patrons an offering of at least five different substantial food items at all times other than the required meal period (February 11, 2009).

(Second, Category III)

Note: Licensees were charged with this violation by Notice dated June 22, 2009. The proposed sanction, considering aggravation and mitigation, was a 52-day suspension or a \$3,300 civil penalty in lieu of 20 days with the remaining 32 days of the suspension mandatory. Licensees originally requested a hearing and now wish to withdraw that request to enter into this Settlement Agreement.

### AGGRAVATION

Licensee Reeta Bilyeu was personally involved in Violation Number One.

### MITIGATION

Violations Number Two and Three will each be charged at the first level because they were discovered concurrently.

### TERMS OF AGREEMENT

1. Licensees accept responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty.
2. Violation Number One was Licensees' first Category II violation within two years. Any subsequent violation of this type within the same two years will be charged at the second level.
3. Violation Numbers Two and Three were Licensees' first and second Category III violations within two years. Any subsequent violation of this type within the same two years will be charged at the second level since the violations were each charged at the first level because they were discovered concurrently.

4. The Public Safety Program originally proposed for Violation Number One the standard sanction of a 30-day suspension and added two days of aggravation because Licensee Reeta Bilyeu was personally involved in the violation, for a total of a 32-day suspension.
5. The Public Safety Program originally proposed for each of Violation Numbers Two and Three the standard sanction of a 10-day suspension or a civil penalty of \$1,650.00.
6. The Public Safety Program originally proposed the total sanction for the three violations a 52-day suspension or a civil penalty of \$3,300.00 in lieu of 20 days with the remaining 32 days of the suspension mandatory.
7. The Commission will reduce the total sanction by 15 days. This is equivalent to a 30% reduction of the standard sanction.
8. Licensees will pay a \$2,310.00 civil penalty before 5:00 PM on September 24, 2009 and serve a 23-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 22, 2009 or serve a 37-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on November 5, 2009.
9. Licensees withdraw the request for a hearing.
10. If Licensees' interest in the license expires or is transferred before the Commission issues a final order on these allegations, Licensees agree to accept a Letter of Reprimand for these violations. 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.
11. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

13. Liao's, Inc.  
Zhao Jun "Jordan" Liao,  
Pres/Sec/Treas/Dir/Stkhldr  
Man Ling Li, Stockholder  
**BENNY HUIE'S RESTAURANT &  
LOUNGE (F-COM)**  
209 S Bridge St  
Sheridan OR 97378  
(36-02394-FCOM)

Violation Number One  
OAR 845-006-0335(3)(a) – Licensee's employees Jeanette Bell and Amber Purcell permitted a minor to buy, be served, or drink alcoholic beverages on the licensed premises (February 1, 2009).

(First, Category III)

Violation Number Two  
OAR 845-006-0347(2)(a) – Licensee permitted disorderly activity when the minor, Matthew Kyllonen, and Licensee's employee, agent, servant or representative Charles Decker harassed, threatened and/or physically harmed each other on the licensed premises or in areas the licensee controls that are adjacent to or outside the premises (February 1, 2009).

(Second, Category III)

Violation Number Three  
Licensee permitted Corporate Principal Zhao Jun "Jordan" Liao to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit (from about August 11, 2005 to about February 1, 2009).

(Third, Category III)

Note: Licensee was charged with this violation by Notice dated July 29, 2009. The proposed sanction, considering aggravation and mitigation, was a 36-day suspension or a \$5,940 civil penalty. Licensee wishes to enter into this Settlement Agreement.

### AGGRAVATION

1. Two employees participated in Violation Number One.
2. Corporate Principal Zhao Jun "Jordan" Liao was personally involved in Violation Number Three, and worked without a service permit for more than six months.

### MITIGATION

Each violation will be charged at the first level because the violations were discovered concurrently.

### TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice of Proposed License Suspension/Civil Penalty. These were Licensee's first, second and third Category III violations within two years. Because the violations were discovered concurrently and therefore charged at the first level, any subsequent violation of this type within the same two-year period will be charged at the second level.
2. For Violation Number One, 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 two employees were involved in the violation, for a total sanction of a 12-day suspension or \$1,980.00

civil penalty.

3. For Violation Number Two, the Commission's Public Safety Program originally proposed the standard sanction of a 10-day suspension or \$1,650.00 civil penalty.
4. For Violation Number Three, 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 a corporate principal was involved and worked for over six months without a service permit, for a total sanction of a 14-day suspension or \$2,310.00 civil penalty.
5. The total proposed sanction for all three violations was a 36-day license suspension or a civil penalty of \$5,940.00.
6. The Commission will reduce the penalty by nine days. This is equivalent to a 30% reduction of the standard sanction.
7. Licensee will pay a civil penalty of \$4,455.00 by 5:00 PM on September 24, 2009 or serve a 27-day license suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 26, 2009.
8. 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.
9. The agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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

14. J & J Enterprises HCBG, LLC  
Julie Denney, Managing Member  
Jeff Denney, Member  
**HUNTER CREEK BAR & GRILL (F-COM)**  
28773 Hunter Creek Loop  
Gold Beach OR 97444  
(08-42177-FCOM)

OAR 845-006-0347(5) – Member Jeff Denney permitted patrons to drink alcoholic beverages in the premises' parking lot (June 27, 2009).  
  
(First, Category III)

Note: Licensee was charged with this violation by Notice dated August 5, 2009. The proposed sanction, considering aggravation, was a 16-day suspension or a \$2,640 civil penalty. Licensee wishes to enter into this Settlement Agreement.

### AGGRAVATION

1. Member Jeff Denney was personally involved in the violation and the violation was intentional.
2. Licensee permitted multiple individuals to consume alcoholic beverages in the parking lot.

### 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 six days for aggravation because Member Jeff Denney was personally involved in the violation, the violation was intentional, and Licensee permitted multiple individuals to consume alcoholic beverages in the parking lot, for a total of a 16-day suspension or a civil penalty of \$2,640.00.
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 \$2,145.00 civil penalty before 5:00 PM on September 24, 2009 or serve a 13-day suspension beginning at 7:00 AM on September 29, 2009 and ending at 7:00 AM on October 12, 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. The agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their September 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.