

ADMINISTRATIVE HEARINGS DIVISION

April 18, 2024

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

- | | | |
|--|--|---|
| <p>1. Beer Station, Inc.
Abraham Velazco De Dios,
Pres/Dir/Stkhldr
Abraham Velazco Morales,
Treas/Dir/Stkhldr
Nelson Rosales, Sec/Dir/Stockholder
Julio Velazco, Director/Stockholder
dba BEER STATION (F-COM)
495 Holly St
Junction City, OR 97448</p> | <p>OAR 845-006-0335(1)(a)(b)(c) – On or about February 24, 2023, Licensee’s corporate principal Julio Velazco failed to verify the age of a minor, before allowing them to buy or be served an alcoholic beverage when they reasonably appeared to be under 26 years of age.</p> <p>(1st Level Category II(b))</p> | <p>Note: Licensee was charged with this violation by Notice dated February 6, 2024. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Staff added two days of aggravation because the violation was personally committed by a licensee.</p> |
|--|--|---|

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged starting at the second level.
2. Commission staff originally proposed the standard sanction of a 10-day license suspension or a civil penalty of \$2,500.00 for this violation. Staff added two days of aggravation because the violation was personally committed by a licensee. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty.
3. Licensee will have the option to install age verification equipment (AVE) by May 1, 2024. In the event Licensee installs AVE, Licensee will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. All alcohol sales will be run through registers at which age verification equipment is installed. Installation of age verification equipment that meet all standards set forth in this agreement and in OAR 845-009-0140(2) is done in lieu of 10 days of the suspension or \$2,500.00 of the civil penalty.
4. If AVE is installed by May 1, 2024 and certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by 5:00 PM on May 10, 2024, Licensee will pay a \$500.00 civil penalty before 5:00 PM on May 15, 2024 **or** serve a two-day license suspension beginning at 7:00 AM on May 22, 2024 and ending at 7:00 AM on May 24, 2024.
5. If AVE is not installed by May 1, 2024, or AVE that meets all the standards identified in OAR 845-009-0140(2) is not in use by May 10, 2024, Licensee will pay a \$3,000.00 civil penalty before 5:00 PM on May 15, 2024, **or** serve a 12-day suspension beginning at 7:00 AM on May 22, 2024, and ending at 7:00 AM on June 3, 2024.
6. Licensee understands that it is eligible for a credit for installation of AVE only one time, that the equipment is expected to remain in good order, and that the equipment must be used for as long as Licensee has a liquor license at this premises. Licensee understands that failure to use the equipment, whether by human error or malfunction, in future violations may result in increased penalties and, if applicable, removal from the Responsible Vendor Program.

(continue **BEER STATION**)

7. Licensee withdraws its Request for Hearing in this matter
8. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on this allegation, that licensee agrees to accept a Letter of Reprimand for this violation. This reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license or permit by that licensee.
9. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their April 2024 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. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

2. Kittymomo, LLC
Jung Soo Lee, Managing Member
Suk-Kyoung Shin, Member
dba **ED'S MARKET (O)**
207 N. Lombard St.
Portland, OR 97217

OAR 845-006-0335(1)(a)(b)(c) – On or about June 2, 2023, Licensee's employee, agent, or representative Bart Otcoy failed to verify the age of a minor before allowing them to buy or be served an alcoholic beverage when they reasonably appeared to be under 26 years of age.

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice dated February 20, 2024. The total proposed penalty was a 12-day license suspension or a \$3,000.00 civil penalty.

AGGRAVATION

Staff added two days aggravation because Licensee had 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.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged starting at the second level. This violation will become a permanent part of each licensee's Commission file and may be considered in any future application for any license or permit by the licensee.
2. The standard sanction for the violation is a 10-day license suspension or a civil penalty of \$2,500.00. Commission staff added two days aggravation because Licensee had 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 total proposed penalty was a 12-day license suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the penalty for the violation by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on May 15, 2024, **OR** serve a nine-day suspension beginning at 7:00 AM on May 22, 2024, and ending at 7:00 AM on May 31, 2024.
5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on this incident, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license or permit by the licensee.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their April 2024 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. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

3. Red Robin International, Inc.¹
Joshua Todd Wilson, Pres/Director
Sarah Mussetter, VP/Secretary/Dir
Red Robin Gourmet Burgers, Inc.,
Stkhldr
Paul Murphy, President/Director
Lynn Schweinfurth, Vice President
Michael Kaplan, Vice President/Sec
Sarah Mussetter, Asst Secretary
dba **RED ROBIN GOURMET BURGERS
AND BREWS (F-COM)**
7425 SW Nyberg St
Tualatin, OR 97062

OAR 845-006-0335(1)(a)(b)(c) – On or about
May 19, 2023, Licensee’s employee, agent, or
representative Kaytlynn Bridges failed to verify
the age of a minor before allowing them to buy
or be served an alcoholic beverage when they
reasonably appeared to be under 26 years of
age.

(1st Category II(b))

Note: Licensee was charged with this violation by
Notice dated January 24, 2024. The total proposed
sanction was a 10-day license suspension or a
\$2,500.00 civil penalty. Licensee requested a hearing
and now wishes to enter into this settlement
agreement.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category II(b) violation within two years. Any subsequent Category II(b) violation(s) within the same two years will be charged starting at the second level. This violation will become a permanent part of each licensee’s Commission file and may be considered in any future application for any license or permit by the licensee.
2. The standard sanction for this violation is a 10-day suspension or a civil penalty of \$2,500.00. The total proposed penalty was a 10-day license suspension or a \$2,500.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$1,750.00 civil penalty before 5:00 PM on May 15, 2024 **OR** serve a seven-day suspension beginning at 7:00 AM on May 22, 2024 and ending at 7:00 AM on May 29, 2024.
5. Licensee withdraws the request for a hearing.
6. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on this incident, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of the licensee’s Commission file and may be considered in any future application for any license or permit by the licensee.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their April 2024 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. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

¹The caption in this Stipulated Settlement Agreement reflects OLCC’s records of the officers/directors/stockholder for Licensee of Record at the time of execution of this Stipulated Settlement Agreement. Any differences in the parties listed in the caption in the Notice reflect the officers/directors/ stockholder for Licensee of Record, Red Robin International, Inc., at the time the charged violation occurred.

4. Tiki Sports Lounge and Grill, LLC
Naomi Henson, Managing Member
Maria Arevalo, Member
dba **TIKI LOUNGE (F-COM)**
165 Lancaster Dr SE
Salem, OR 97317

OAR 845-006-0345(12) – On or about April 22, 2023, Licensee’s employee, agent, or representative Melissa Mcconville permitted a patron to mix, dispense, or serve an alcoholic beverage for or to himself, when at the request of the patron she placed a bottle of whiskey and two empty glasses on the bar within easy reach of the patron, and permitted the patron to serve himself two drinks in a glass and to take a drink directly from the bottle.

Note: Licensee was charged with this violation by Notice dated August 29, 2023. The total proposed penalty was a 32-day license suspension. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff proposed aggravating the penalty by two days because the violation was repeated.

(3rd Level Category III)

SYNOPSIS: In October 2022, Licensee entered into a Stipulated Settlement Agreement with the Commission to resolve a Notice of Proposed License Cancellation (2022 Settlement). The 2022 Settlement included three Category III charges (among others), all settled at the second level, and stated that "any subsequent Category III violations within the same two years will be charged at the third level." In April 2023, OLCC received a complaint that Licensee was permitting patrons to have liquor bottles and serve themselves. This complaint was corroborated by video evidence provided by the Licensee. The bartender/permittee in this matter was charged separately.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This violation was Licensee’s third Category III violation within two years, settled at the third level. Any subsequent Category III violation within the same two years may be charged starting at the fourth level. This violation will become a permanent part of each licensee’s Commission file and may be considered in any future application for any license or permit by that licensee.
2. The standard sanction for a third-level Category III violation is a 30-day license suspension. Commission staff proposed aggravating the penalty by two days because the violation was repeated. The total proposed penalty was a 32-day license suspension.
3. The Commission will reduce the sanction by nine days.
4. Licensee will serve a 23-day license suspension beginning at 7:00 AM on May 22, 2024, and ending at 7:00 AM on June 14, 2024.
5. Licensee withdraws the request for a hearing.
6. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on these charges, the licensee agrees to accept a Letter of Reprimand for the violation charged in the Notice. This reprimand will become a permanent part of the licensee’s Commission file and may be considered in any future application for any license by the licensee.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their April 2024 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. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.