

ADMINISTRATIVE HEARINGS DIVISION

November 17, 2022

STIPULATED SETTLEMENT AGREEMENT - LIQUOR VIOLATION CASES

1. Gresham Joe, Inc.  
Meng Zhou, Pres/Sec/Treas/Dir/Stkhldr  
dba **ANDREW'S WATERHOLE (F-COM)**  
19642 SE Stark Street  
Portland, OR 97233

ORS 471.360(1)(a) and (b) – From about May 19, 2021 to about February 5, 2022, Licensee permitted its employee, agent or representative Atina Tanner, to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(1<sup>st</sup> Level Category III)

Note: Licensee was charged with this violation by Notice dated October 4, 2022. The total proposed sanction for this violation is a 12-day license suspension or a civil penalty of \$1980.00.

**AGGRAVATION**

Commission staff added two days of aggravation because the employee worked without a service permit for more than six months.

**SYNOPSIS:** Bartender A. Tanner was found to be selling / serving alcohol and supervising others doing the same without a valid service permit. Ms. Tanner's service permit had expired on May 18, 2021. She was hired in March 2019 to this position, and had a valid service permit at the time.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category III violation within two years. Any subsequent Category III violation within the same two years will be charged 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 that licensee.
2. The standard sanction for this violation is a 10-day suspension or a \$1,650.00 civil penalty. Commission staff added two days of aggravation because the employee worked without a service permit for more than six months. Commission staff recommended a 12-day suspension for this violation.
3. The Commission will reduce the sanction for this violation by three days.
4. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on December 15, 2022, **OR** serve a nine-day suspension beginning at 7:00 AM on December 22, 2022 and ending at 7:00 AM on December 31, 2022.
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 by the licensee.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their November 2022 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. Gorges Brewing, LLC  
Steven Preece, Member<sup>1</sup>  
Willis Boyer, Member  
dba **GORGES BEER CO (F-COM)**  
390 Wanapa St  
Cascade Locks, OR 97014

ORS 471.360(1)(a) and (b) – From about August 31, 2021 to about May 5, 2022, Licensee permitted its employee, agent or representative Suzanne Wolfe to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(1<sup>st</sup> Level Category III)

Note: Licensee was charged with this violation by Notice dated October 4, 2022. The total proposed penalty was a 12-day license suspension or a \$1,980.00 civil penalty. Licensee wishes to enter into this settlement agreement.

**AGGRAVATION**

Staff added two days aggravation because the employee worked without a permit for more than six months.

**SYNOPSIS:** – Lead Bartender S. Wolfe was found to be selling / serving alcohol and supervising others doing the same without a valid service permit. She was hired in August 2021 to this position, and Licensee did not check her permit status at the time of hiring. In 2020 Wolfe had held a temporary permit that was denied for failure to provide evidence of passing the required test.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category III violation within two years. Any subsequent Category III violation within the same two years will be charged at the second level. This violation 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.
2. The standard sanction for this violation is a 10-day suspension or a civil penalty of \$1,650.00. Commission staff added two days aggravation because the employee worked without a permit for more than six months. The total proposed penalty was a 12-day license suspension or a \$1,980.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on December 15, 2022 **OR** serve a nine-day suspension beginning at 7:00 AM on December 22, 2022 and ending at 7:00 AM on December 31, 2022.
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 November 2022 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.

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<sup>1</sup> Also known as Travis Preece.