

ADMINISTRATIVE HEARINGS DIVISION
OCTOBER 19, 2023

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

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| 1. PacWest Food and Beverage, LLC
Robert M Eisenberg, Managing Mbr.
dba BEND PIZZA KITCHEN (L)
2755 NW Crossing Dr. #101
Bend, OR 97703 | OAR 845-006-0335(1)(a)(b)(c) – On or about
November 2, 2022, Licensee’s employee,
agent, or representative Emi Guerrero 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.

(1 st Level Category II(b)) | Note: Licensee was charged with this violation by Notice
dated May 9, 2023. The total proposed penalty was a
10-day suspension or a \$2,500.00 civil penalty
Licensee requested a hearing and now wishes to
enter into this settlement agreement. |
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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 that licensee.
2. The standard sanction for Violation Number One is a 10-day suspension or a \$2,500.00 civil penalty.
3. Licensee will have the option to install age verification equipment (AVE) by November 1, 2023. 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 November 1, 2023, Commission staff will inspect whether the AVE meets all the standards identified in OAR 845-009-0140(2) by November 10, 2023.
5. If AVE is not installed by November 1, 2023, or AVE that meets all the standards identified in OAR 845-009-0140(2) is not in use by November 10, 2023, Licensee will pay a \$2,500.00 civil penalty before 5:00 PM on November 15, 2023 or serve a 10-day suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 2, 2023.
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.
7. Licensee withdraws the request for a hearing.

(Continue **BEND PIZZA KITCHEN**)

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 October 2023 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. Creative Culinary Creations, LLC
Mitchel Hescheles, Member/Mgr
dba **CHOW (F-COM)**
471 South A St, Suite A
Springfield, OR 97477

ORS 471.360(1)(a) and (b) – From about March 14, 2022 to about February 23, 2023, Licensee permitted its employee, agent, or representative Tye Albert to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(1st Level Category III)

Note: Licensee was charged with this violation by Notice dated August 29, 2023. The total proposed sanction was 12-day license suspension or a \$1,980.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

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

SYNOPSIS: The employee without a service permit was the manager of the premises. The employee’s prior permit had been expired for about a year when the inspector discovered this as part of a routine inspection. The employee had started a new permit application in June 2022 that he never completed, so he was aware that he was working without a permit. On the same day that the inspector discovered this violation the employee made a new application for a service permit, which he completed, and the permit was issued.

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 violations 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 license suspension or a civil penalty of \$1,650.00. Commission staff added two days aggravation because the employee worked without a service 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 November 15, 2023 **OR** serve a nine-day suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 1, 2023.
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 October 2023 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. Betty Gaustad
dba **COV BRIDGE COUNTRY
STORE & ANTIQUE (O)**
235 Sunny Valley Loop
Sunny Valley, OR 97497

OAR 845-006-0335(1)(a)(b)(c) – On or about March 22, 2023, Licensee’s employee, agent, or representative Tammy Hughes 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.

Note: Licensee was charged with these violations by Notice dated August 22, 2023. The total proposed sanction was a 44-day license suspension; Licensee was given the option to pay a \$7,950.00 civil penalty in lieu of 42 days, with the remaining two days mandatory. Licensee wishes to enter into this settlement agreement.

(1st Level Category II(b))

OAR 845-006-0335(1)(a)(b)(c) – On or about June 28, 2023, Licensee’s employee, agent, or representative Ren Pankery 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.

AGGRAVATION
Commission staff added four 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, and the age verification equipment was not used to prevent either of the current violations.

(2nd Level Category II (b))

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee’s first and second Category II(b) violations within two years. Any subsequent Category II(b) violation within the same two years will be charged starting at the third level. These violations 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 Violation Number One is a 10-day suspension or a civil penalty of \$2,500.00. The standard sanction for Violation Number Two is a 30-day suspension or a civil penalty of \$4,950.00. Commission staff added four 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, and the age verification equipment was not used to prevent either of the current violations. The total proposed penalty was a 44-day license suspension; Licensee was given the option to pay a \$7,950.00 civil penalty in lieu of 42 days, with the remaining two days mandatory.
3. The Commission will reduce the penalty for Violation Number One by three days, for Violation Number Two by nine days, and allow payment to offset suspension in full.
4. Licensee will either pay a \$6,045.00 civil penalty before 5:00 PM on November 15, 2023 **OR** serve a 32-day suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 24, 2023.
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 October 2023 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.

4. Service Creek Outfitters, Inc.
Kellie Frech, Pres/Dir/Stockholder
Randy Tagg, VP/Dir/Stockholder
Linda Tagg, Treasurer/Dir/Stockholder
dba **SERVICE CREEK (L)**
38686 Highway 19
Fossil, OR 97830

OAR 845-006-0335(1)(a)(b)(c) - On or about March 23, 2023, Licensee's corporate principal, Kellie Frech, 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))

OAR 845-006-0335(1)(a)(b)(c) - On or about July 7, 2023, Licensee's employee, agent, or representative Cecil Pritchett 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.

(2nd Level Category II(b))

Note: Licensee was charged with these violations by Notice dated August 22, 2023. The total proposed sanction was a 42-day license suspension or a \$7,950.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff added two days aggravation because Violation Number One was committed by Licensee Kellie Frech.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first and second Category II(b) violations within two years. Any subsequent Category II(b) violation within the same two years will be charged starting at the third level. These violations 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 Violation Number One is a 10-day suspension or a civil penalty of \$2,500.00. The standard sanction for Violation Number Two is a 30-day suspension or a civil penalty of \$4,950.00. Commission staff added two days aggravation because Violation Number One was committed by Licensee Kellie Frech. The total proposed penalty was a 42-day license suspension or a \$7,950.00 civil penalty.
3. The Commission will reduce the penalty for Violation Number One by three days, and for Violation Number Two by nine days.
4. Licensee will either pay a \$5,715.00 civil penalty before 5:00 PM on November 15, 2023 **OR** serve a 30-day suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 22, 2023.
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 October 2023 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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| <p>5. KB & T, LLC
Kevin Nguyen, Managing Mbr.
dba ESTACADA TACKLE
SHOP (O)
210 SE Hwy 224
Estacada, OR 97023</p> | <p>OAR 845-006-0335(1)(a)(b)(c) - On or about November 19, 2022, Licensee's employee, agent, or representative Lerae Sheppard 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 August 9, 2023. The total proposed sanction was a 10-day suspension or a civil penalty of \$2,500.00 for this violation. Licensee requested a hearing and now wishes to enter into this settlement agreement.</p> |
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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) violations 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 that licensee.
2. Commission staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for this violation.
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 November 15, 2023 **or** serve a seven-day license suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on November 29, 2023.
5. Licensee withdraws its Request for Hearing in this matter
6. 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.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 2023 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.

6. Kashmir Uppal
Jasvinder Uppal
dba **SUMMIT XPRESS (O)**
17355 Spring River Rd
Sunriver, OR 97707

OAR 845-006-0335(1)(a)(b)(c) - On or about January 12, 2023, Licensees' employee, agent, or representative George Flack 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 August 29, 2023. The total proposed sanction was a 12-day license suspension or a \$3000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff added two days of aggravation because Licensee failed to use Age Verification Equipment (AVE) purchased as an offset to a previous penalty.

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 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 civil penalty of \$2,500.00. Commission staff added two days of aggravation because Licensee failed to use Age Verification Equipment (AVE) purchased as an offset to a previous penalty. The total proposed penalty was a 12-day license suspension or a civil penalty of \$3,000.00.
3. The Commission will reduce the sanction by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on November 15, 2023 **or** serve a nine-day license suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 1, 2023.
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 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.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 2023 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.

7. Shari's Management Corporation
Samuel Borgese, President/Dir
Daniel Smith, Secretary
Jim Balis, Director
Erik Hermann, Director
Wade Daniel, Director
Shari's Restaurant Group, Inc.,
Stockholder
Samuel Borgese, President/Director
Daniel Smith, Secretary
Jim Balis, Director
Erik Hermann, Director
Wade Daniel, Director
Shari's CP, LLC, Stockholder
dba **SHARI'S OF BERRY HILL**
19001 Beaver creek Rd
Oregon City, OR 97045

OAR 845-006-0335(1)(a)(b)(c) - On or about December 7, 2022, Licensee's employee, agent, or representative Victoria Lupresto 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 August 22, 2023. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the licensee failed to use Age Verification Equipment purchased as an offset to a previous penalty.

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 that licensee.
2. The standard sanction for this violation is a 10-day suspension or a \$2,500.00 civil penalty. Commission staff added two days of aggravation because the licensee failed to use Age Verification Equipment purchased as an offset to a previous penalty. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the sanction by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on November 15, 2023 **or** serve a 9-day license suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 1, 2023.
5. Licensee will be removed from the Responsible Vendor Program effective on the date of entry of the Final Order Incorporating Settlement Agreement (FOISA). Licensee may reapply for the program one year after issuance of the FOISA. OAR 845-009-0135(7)(b).
6. 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.

(continue **SHARI'S OF BERRY HILL**)

7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 2023 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.

8. Gool Sports Cantina & OTB, Inc.
Marco Gonzalez,
Pres/Sec/Treas/Dir/Stkhldr
dba **GOOL SPORTS CANTINA
& OTB** [¹] (F-COM)
1486 Hawthorne Ave NE
Salem, OR 97301

ORS 471.315(1)(c) - There is a history of serious and persistent problems involving disturbances, unlawful activities or noise either in the licensed premises at 1486 Hawthorne Ave NE, Salem, Oregon, or involving patrons of the establishment in the immediate vicinity of the premises. The problems occurred from January 5, 2021 to March 6, 2023.

(Category I)

OAR 845-006-0347(4)(a) - On or about July 10, 2021, Licensee and/or Licensee's employees, agents, or representatives failed to evict patron Nivardo Ramirez Monge from the premises for at least a 24-hour period, after he had been involved in a physical altercation with patron Delgado Gonzalez, which resulted in Ramirez Monge later shooting and killing two patrons in the premises restroom.

(1st Level Category IV)

Note: Licensee was charged with these violations by Second Amended Notice dated September 5, 2023. Staff proposed the standard sanction of license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff proposed aggravating the penalty because Violation Number One and Number Two involved injury or death.

SYNOPSIS: OLCC began investigating a history of serious and persistent problems at the premises (formerly known as Capital Cantina) following a fatal shooting there in July 2021. The History violation included 39 incidents from January 2021 to March 2023. Nine incidents involved violence (fights, the shooting, and patrons threatening staff), thirteen involved intoxicated patrons and/or drug use (intoxicated patrons refusing to leave, paraphernalia in the bathroom, patrons under the influence of controlled substances), sixteen involved property damage, theft, and noise complaints, and one was a Governor's Order related incident. Many incidents took place in the premises' parking lot where the Licensee allows a food cart to operate. There have been no shootings since July 2021. In July 2023, Licensee voluntarily changed the premises from a dance club environment to a pub or sports bar, and now operates as "Gool Sports Cantina & OTB". The settlement proposes license restrictions regarding DPSST security required at the premises, monitoring of the parking lot, limitations on the hours of service, and requirements for the storage and provision of surveillance footage. The objective is that with implementation of the restrictions provided for in this settlement and the voluntary changes Licensee has made to the premises environment, this business can be both safe and successful.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. Violation Number One was Licensee's first Category I violation. Violation Number Two was Licensee's first Category IV violation within two years. Any subsequent Category IV violation within the same two years will be charged starting at the second level. These violations 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.

¹ Formerly operating under MAG Group, LLC by and through its Managing Member, Marco Gonzales, dba Capital Cantina.

(continue **GOOL SPORTS CANTINA & OTB**)

2. The standard sanction for the Category I violation is license cancellation. The standard sanction for a first-level Category IV violation is seven-day license suspension or \$1,155.00 civil penalty. Commission staff proposed aggravating the penalty because Violation Number One and Number Two involved injury or death.
3. Commission staff originally proposed for these violations the standard sanction of license cancellation.
4. Provided Licensee complies with the training requirements stated hereafter, the Commission will reduce the sanction for Violation Number One to a 32-day license suspension, with the option to pay a \$4,950.00 civil penalty in lieu of 30 days, and the remaining two days mandatory; plus the imposition of restrictions on this license as stated in paragraph 8, below, and will reduce the sanction for Violation Number Two by two days or \$330.00.
5. No later than 5:00 PM on November 8, 2023, Licensee will require that all premises employees and representatives who mix, sell, or serve alcohol, or who manage persons engaged in the mixing, selling, or service of alcohol, shall participate in and complete an OLCC led training. Such training will be provided by OLCC at no cost to the Licensee or employees, at the licensed premises, at a mutually agreed-upon time not later than 5:00 PM on November 8, 2023. OLCC Inspectors may grant an excused absence upon a showing of illness or other good cause, subject to the option to require a later make-up session by the excused employee. By 5:00 PM on November 9, 2023, an OLCC Inspector shall certify whether or not Licensee and its employees and representatives have substantially complied with this training requirement.
6. In the event that OLCC's Inspector certifies substantial compliance with the training requirement in accordance with paragraph 5, Licensee will either pay a \$6,105.00 civil penalty before 5:00 PM on November 15, 2023 and serve a two-day license suspension from 7:00 AM on November 22, 2023 to 7:00 AM on November 24, 2023 **OR** serve a 39-day license suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 31, 2023.
7. In the event that OLCC's Inspector does not certify substantial compliance with the training requirement in accordance with paragraph 5, Licensee will serve a 39-day license suspension beginning at 7:00 AM on November 22, 2023 and ending at 7:00 AM on December 31, 2023.
8. The Commission will impose restrictions on the license which become effective on the effective date of the Final Order Incorporating Settlement Agreement, except that Restriction #10 becomes effective on the date stated in that restriction. Licensee accepts the imposition of the following license restrictions without conditions or reservations:
 - 1) Licensee will maintain at least the below-listed number of DPSST-certified security guards at the times and under the circumstances listed below. Those DPSST-certified security guards shall work solely in the role of security to verify identification, monitor patron entrances and exits, and control disorder inside and in the immediate vicinity of the premises. All on-duty DPSST-certified staff members must wear an outer garment that clearly displays the word "security" or "staff" in a readable size font on the person's chest and back. The persons in this role will not be allowed to mix, sell, or serve alcohol while on-duty as DPSST-certified staff. Security will evaluate each individual entering the premises for signs of intoxication and refuse entry to any person who is visibly intoxicated or disorderly. (Note: each night includes the following morning after 12:00 am until closing.)
 - (1)(a) On all nights the premises offers live entertainment (including without limitation bands, disc-jockeys, and singing): 5.

(continue **GOOL SPORTS CANTINA & OTB**)

- (1)(b) Otherwise, on Friday and Saturday nights: 4; on Sunday and Thursday nights: 3; on Monday, Tuesday, and Wednesday nights: 2.
 - (2) From 9:00 pm to closing on all nights, at least one DPSST-certified security person will patrol the areas adjacent to or outside the premises, including the parking areas, at least every 20 minutes to discourage loitering and illegal activity. This is an additional duty for DPSST-certified security, and does not add to the number of DPSST-certified security required by Restrictions No. 1. Licensee shall ensure that DPSST security personnel log each patrol required by this restriction in the premises' bar log.
 - (3) Licensee's other employees, agents, and representatives (including family members and friends) shall not interfere with or overrule any DPSST-certified security staff member's reasonable actions and decisions regarding controlling disorder, eviction of disorderly patrons, or refusal of entry to the premises to a visibly intoxicated or disorderly person.
 - (4) Patron entry and reentry is prohibited from 12:00 am to 7:00 am.
 - (5) The sale and service of alcohol is prohibited from 12:30 am to 7:00 am. Licensee will not allow any person to possess or consume alcohol at the premises from 1:00 am to 7:00 am.
 - (6) The premises must be closed to the public no later than from 1:00 am to 7:00 am on the succeeding calendar day. Licensee and premises security shall ensure that food service in the parking lot areas ceases, and the parking lot areas are cleared of patrons within 30 minutes after closing. Patrons may leave their vehicles in the parking lots.
 - (7) Staff shall not sell or serve to a patron, and a patron may not possess, more than one container of alcohol at one time, and each container of alcohol will contain no more than 16 ounces of malt beverage, 16 ounces of cider, six ounces of wine, or two ounces of distilled spirits.
 - (8) Licensee's alcohol servers will use a one-ounce jigger or one-ounce measured liquor bottle pourer to measure pours of distilled spirits.
 - (9) Licensee's employees, agents, or representatives will immediately report any violent or illegal activity observed within or outside the premises to law enforcement, and document the activity in the bar log within 12 hours of its occurrence.
 - (10) Effective as of November 20, 2023, Licensee will maintain a security video surveillance system with digital video recording capabilities sufficient to capture clear and specific images of all areas controlled by Licensee, including the outdoor areas adjacent to the licensed building, the licensed patio, and the parking lots. Licensee must keep all recordings for a minimum of 30 calendar days, with the date and time embedded on all surveillance recordings without significantly obscuring the picture. Licensee must make complete unaltered video surveillance footage available within 72 hours of any request, to an OLCC inspector or law enforcement officer.
9. Violation of a restriction is a Category I violation, subject to license cancellation. OAR 845-005-0355(5).
 10. Licensee withdraws the request for a hearing.

(continue **GOOL SPORTS CANTINA & OTB**)

11. 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 violations 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.
12. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 2023 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.