

ADMINISTRATIVE HEARINGS DIVISION

October 19, 2022

STIPULATED SETTLEMENT AGREEMENT FOR LIQUOR LICENSE APPLICANT

1. Razwell II, LLC
Ramin Razilov, Member
Ralph Tidwell, Member
dba **FOSTER STRIP (F-COM)**
10335 SE Foster Road
Portland, OR 97266

ORS 471.313 states, in pertinent part:

The Oregon Liquor and Cannabis Commission may refuse to issue a license, or may issue a restricted license, to any applicant under the provisions of this chapter if the Commission has reasonable ground to believe any of the following to be true:...

- (5) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons' behavior in the immediate vicinity of the premises which is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

Commission staff proposes to issue the requested license with the following restrictions:

1. A patron may possess no more than two containers of alcohol at one time and each container of alcohol will contain no more than 16 ounces of malt beverage, 16 ounces of cider, 6 ounces of wine,

Note: Licensee was issued a Notice of Proposed License Restrictions dated September 28, 2022. Licensee accepts the imposition of the listed restrictions and wishes to dispose of this licensing matter by settlement agreement.

(continue **Foster Strip**)

or 2 ounces of distilled spirits. Despite this requirement, one patron may possess one bottle containing no more than 750 milliliters of wine (including champagne) or one pitcher containing no more than 64 ounces of malt beverage.

2. When the premises is open to the public after 10:00 pm, at least two DPSST-certified staff members will be on-duty and on the premises from 10:00 pm to the close of business. All on-duty DPSST-certified staff members must wear an outer garment that clearly displays the word "security" in a readable size and font on the person's chest and back.
3. 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 the licensee, including the outdoor areas adjacent to the licensed building and the parking lot. The 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 promptly make unaltered video surveillance footage available, upon request, to any OLCC inspector or law enforcement officer.
4. The sale and service of alcohol is prohibited from 1:00 am to 11:00 am every day. Patron possession and consumption of alcohol is prohibited from 1:30 am to 11:00 am every day.

SYNOPSIS: Applicant applied for a Full On-Premises License at a location that had previously been found to have a History of Serious and Persistent Problems with a former licensee who surrendered its license. The new applicant is unrelated to the former licensee: applicant did not have an ownership interest in the previously licensed entity and is not a former employee of the premises. It was determined that granting the license with the proposed restrictions was appropriate as the restrictions are for drink limits, video surveillance and recordings, security personnel on the premises, and reduced hours of alcohol sale and service which demonstrate a willingness and ability to adequately control the premises and the immediate vicinity.

TERMS OF AGREEMENT

1. The Commission will issue Applicant a Full On-Premises Sales license with the listed restrictions for the above location after this agreement is ratified and after Staff determine that the application is complete.
2. Applicant accepts the imposition of the listed restrictions on the license identified in this agreement without any conditions or reservations.

3. Applicant waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), to judicial review, and to otherwise challenge this agreement or the Final Order resulting from it.

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4. This agreement is conditioned on final approval by the Commission and will be reviewed by the Commissioners at a commission meeting. If the Commission does not accept and approve this agreement in its entirety, it is deemed null and void, and Applicant's Hearing rights, if any, will be restored. If the Commission accepts and approves this agreement in its entirety, Applicant withdraws any request for hearing.