

ADMINISTRATIVE POLICY & PROCESS DIVISION
February 21, 2019

STIPULATED SETTLEMENT AGREEMENTS FOR BOTTLE BILL VIOLATIONS

1. Safeway, Inc.
Jim Donald, President
Robert Gordon, VP/Sec/Dir
Gary Morton, VP/Treas/Sec
Robert Dimond, Vice President
Lisa Gray, Director
Robert Miller, Director
Albertson's Companies, LLC, Stockholder
dba **SAFWAY STORE #2696 (O)**
14840 SE Webster Rd.
Milwaukie, OR 97267

ORS 459A.710 - Licensee willfully refused to accept from customers empty beverage containers of the kinds of beverages sold at Safeway Store #2696 and refused to pay the customers the refund value of those containers when a sign was posted limiting "bottle room" hours to 6:30 AM to 7:00 PM when the store is open from 6:00 AM to 11:00 PM. (January 13, 2019).

(1st Level Category V)

ORS 459A.710 - Licensee willfully refused to accept from customers empty beverage containers of the kinds of beverages sold at Safeway Store #2696 and refused to pay the customers the refund value of those containers when a sign was posted limiting "bottle room" hours to 6:30 AM to 7:00 PM when the store is open from 6:00 AM to 11:00PM and an employee known only as Mike S. told a customer if a person brings in more than a few empty beverage containers they would have to redeem them during the posted bottle room hours or go to another store. (January 14, 2019).

(1st Level Category V)

Note: Licensee was charged with these violations by Notice dated February 5, 2019. The proposed sanction was an 8-day suspension or a \$990.00 civil penalty with two days of mandatory suspension. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because Licensee received a Notice of Warning on January 16, 2018 for an employee refusing to accept empty beverage containers.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first and second Category V violation within two years.

(continued **SAFeway STORE #2696**)

2. The standard sanction for each of these violations is a three-day suspension or a civil penalty of \$495.00. Staff added two days of aggravation because Licensee received a Notice of Warning on January 16, 2018 for an employee refusing to accept empty beverage containers. The total proposed sanction was an eight-day suspension or a \$990.00 civil penalty with two days of mandatory suspension.
3. The Commission will reduce the proposed sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will either pay a \$990.00 civil penalty before 5:00 PM on March 15, 2019 or serve a six-day suspension beginning at 7:00 AM on March 20, 2019 and ending at 7:00 AM on March 26, 2019.
5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegation, the licensee agrees to accept a Letter of Reprimand for the violations. This reprimand will become a permanent part of licensee's Commission file and may be considered in any future application for any 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 February 2019 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.