

ADMINISTRATIVE POLICY & PROCESS DIVISION
November 30, 2018

STIPULATED SETTLEMENT AGREEMENTS FOR BOTTLE BILL VIOLATIONS

1. HP Johal, LLC
Major Johal, Managing Member
dba **OAK MARKET (O)**
711 SE Oak
Roseburg, OR 97470

ORS 459A.710 - Licensee's employee willfully refused to accept from customers empty beverage containers of the size and brand of beverages sold at Oak Market and refused to pay the customers the refund value of those containers when the employee told customers the store was not accepting container returns and a sign was posted at the store saying the store was not accepting container returns. (September 5, 2018 and September 6, 2018).

(1st Level Category V)

Note: Licensee was charged with this violation by Notice dated September 12, 2018. The proposed sanction was a 5-day suspension or an \$825.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the violation was repeated.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category V violation within two years. Any subsequent Category V violation within the same two years will be charged at the second level.
2. The standard sanction for this violation is a three-day suspension or a civil penalty of \$495.00. Staff added two days of aggravation because the violation was repeated. The total proposed sanction was a five-day suspension or an \$825.00 civil penalty.
3. The Commission will reduce the proposed sanction by one day. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will either pay a \$660.00 civil penalty before 5:00 PM on December 17, 2018 or serve a four-day suspension beginning at 7:00 AM on December 22, 2018 and ending at 7:00 AM on December 26, 2018.
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 the allegation, the licensee agrees to accept a Letter of Reprimand for the violation. 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.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their November 2018 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.