

ADMINISTRATIVE POLICY & PROCESS DIVISION
October 26, 2018

STIPULATED SETTLEMENT AGREEMENTS FOR BOTTLE BILL VIOLATIONS

1. Native American Management, LLC
Douglas Johnson, Managing Member
dba **SILETZ GAS & MINI MART (O)**
315 S Gaither St
Siletz, OR 97380

ORS 459A.710 - Licensee willfully refused to accept from customers empty beverage containers of the size and brand of beverages sold at SILETZ GAS & MINI MART and refused to pay customers the refund value of those containers when staff refused to accept more than 25 containers from at least two customers (August 24, 2018).

(1st Level Category V)

Note: Licensee was charged with this violation by Notice dated September 4, 2018. The proposed sanction was a 7-day suspension or a \$1,155.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added four days of aggravation because Licensee received a Notice of Warning on July 31, 2018 for refusing to accept empty beverage containers and the violation involved multiple customers.

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 four days of aggravation because Licensee received a Notice of Warning on July 31, 2018 for refusing to accept empty beverage containers and the violation involved multiple customers. The total proposed sanction was a seven-day suspension or a \$1,155.00 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 \$990.00 civil penalty before 5:00 PM on November 15, 2018 or serve a six-day suspension beginning at 7:00 AM on November 20, 2018 and ending at 7:00 AM on November 26, 2018.
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 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.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 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.

2. Safeway, Inc.
Jim Donald, President
Robert Gordon, VP/Secretary/Director
Gary Morton, VP/Treasurer/Secretary
Robert Dimond, Vice President
Lisa Gray, Director
Robert Miller, Director
Albertson's Companies, LLC, Stockholder
dba **SAFEGWAY STORE #1765 (O)**
5270 SW Philomath Blvd
Corvallis, OR 97333

ORS 459A.710 - Licensee's employees willfully refused to accept from customers empty beverage containers of the kind of beverages sold at SAFEGWAY STORE #1765 and refused to pay the customers the refund value of those containers when unknown employee and an employee known only as Julie told customers that the store would not accept any container returns.
(August 29, 2018 and August 30, 2018).

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 wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because two employees were involved in the violation.

(1st Level Category V)

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 two employees were involved in the violation. 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 November 15, 2018 or serve a four-day suspension beginning at 7:00 AM on November 20, 2018 and ending at 7:00 AM on November 24, 2018.
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 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.
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Robert Gordon, VP/Secretary/Director
Gary Morton, VP/Treasurer/Secretary
Robert Dimond, Vice President
Lisa Gray, Director
Robert Miller, Director
Albertson's Companies, LLC, Stockholder
dba **SAFWAY STORE #1230 (O)**
2177 NW 185th
Hillsboro, OR 97123

ORS 459A.710 - Licensee's employees willfully refused to accept from customers empty beverage containers of the kinds of beverages sold at SAFEWAY STORE #1230 and refused to pay the customers the refund value of those containers when unknown employee and an employee known only as Roberta told customers that the store would not accept more than 24 containers per person per day. (September 4, 2018 and September 5, 2018).

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 wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because two employees were involved in the violation.

(1st Level Category V)

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 two employees were involved in the violation. 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 November 15, 2018 or serve a four-day suspension beginning at 7:00 AM on November 20, 2018 and ending at 7:00 AM on November 24, 2018.
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 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.
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Gary Morton, VP/Treasurer/Secretary
Robert Dimond, Vice President
Lisa Gray, Director
Robert Miller, Director
Albertson's Companies, LLC, Stockholder
dba **SAFEMART STORE #1590 (O)**
455 N Columbia
Milton-Freewater, OR 97862

ORS 459A.710 - Licensee willfully refused to accept from a customer empty beverage containers of the kind of beverages sold at SAFEMART STORE #1590 and refused to pay the customer the refund value of those containers when the customer asked an employee known only as Jen for a hand count of her empty beverage containers. Jen asked an unnamed employee if the store was hand counting containers and the unnamed employee said no. Jen then told the customer that the store would not hand count her containers and only accepts container returns for BottleDrop account holders through the store's BottleDrop Express station. (August 9, 2018).

(1st Level Category V)

Note: Licensee was charged with this violation by Notice dated August 22, 2018. The proposed sanction was a 5-day suspension or an \$825.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because two employees were involved in the violation.

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 two employees were involved in the violation. The total proposed sanction was a five-day suspension or an \$825.00 civil penalty.
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