

ADMINISTRATIVE HEARINGS DIVISION

April 21, 2022

STIPULATED SETTLEMENT AGREEMENT FOR A LIQUOR VIOLATION CASE

1. RLJ, LLC
Rochelle Zimmerman, Mng Member
dba **BOOMTOWN SALOON (F-COM)**
105 W California Street
Jacksonville, OR 97530

OAR 845-006-0347(2)(a) – On or about September 11, 2020, Licensee and/or Licensee’s employees, agents, or representatives permitted disorderly activities on the licensed premises or in areas the Licensee controls that are adjacent to or outside the premises when a patron, who appeared to be intoxicated, began yelling and verbally harassing an OLCC inspector while the inspector was speaking with bartender Molly Keenan, and Keenan did not take any reasonable steps to control the disorder or to call police.

(2nd Level Category III)

Note Licensee was charged with this violation by Notice dated September 29, 2021. The standard sanction for this violation is a 30-day suspension or a civil penalty of \$4,950.00. Licensee requested a hearing and now wishes to enter into this settlement agreement.

SYNOPSIS: When on OLCC inspector entered the premises and was speaking to an employee, a patron began yelling and swearing at the inspector. The employee observed the patron’s harassing behavior but did not address it or intervene in any way. The patron began to get so unruly, the inspector had to leave the premises before completing his inspection due to fears for his own safety.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s second Category III violation within two years. Any subsequent Category III violation within the same two years will be charged at the third 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 30-day suspension or a civil penalty of \$4,950.00.
3. The Commission will reduce the sanction by nine days. Licensees will pay a \$3,465.00 civil penalty before 5:00 PM on May 16, 2022, **OR** serve a 21-day suspension beginning at 7:00 AM on May 23, 2022 and ending at 7:00 AM on June 13, 2022.
4. Licensee withdraws the request for hearing.
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 by the licensee.

(continue **BOOMTOWN SALOON**)

6. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their April 2022 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.