

ADMINISTRATIVE HEARINGS DIVISION

April 20, 2023

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

1. Banwait Oil, LLC
Sukhbir Banwait, Managing Member
dba **EASY MART (O)**
1321 Main St.
Oregon City, OR 97045

OAR 845-006-0335(1)(a)(b)(c) – From about June 19, 2022, Licensee’s employee, agent, or representative Bradie Lefever, failed to verify the age of a minor (juvenile), before allowing them to buy or be served Twisted Tea, an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice dated January 31, 2023. The total proposed sanction was a 14-day suspension or a \$3,500.00 civil penalty for the violation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added four days of aggravation to the penalty because the violation involved a juvenile and the licensee failed to use Age Verification Equipment purchased as an offset to a previous penalty.

SYNOPSIS: Oregon City Police Department investigated the sale of alcohol to a juvenile minor at the premises and criminally cited the store clerk. OLCC investigation revealed that the clerk did not use age verification equipment, as required by a previous penalty offset for a failed minor-decoy operation, or otherwise verify the minor’s age.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged at the second 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 10-day suspension or a \$2,500.00 civil penalty. Commission staff added four days of aggravation because the violation involved a juvenile and the licensee failed to use Age Verification Equipment purchased as an offset to a previous penalty. The total proposed sanction was a 14-day suspension or a \$3,500.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will pay a \$2,750.00 civil penalty before 5:00 PM on May 15, 2023 **or** serve an 11-day license suspension beginning at 7:00 AM on May 22, 2023 and ending at 7:00 AM on June 2, 2023.
5. Licensee withdraws the request for hearing.
6. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on this allegation, that licensee agrees to accept a Letter of Reprimand for this 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 or permit by that licensee.

(continue **EASY MART**)

7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their April 2023 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.