

ADMINISTRATIVE HEARINGS DIVISION

February 15, 2023

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

1. In the Summer of 1960, LLC
Elizabeth Peredia-Leanos, Mng Member
Genaro Peredia-Macia, Member
Alejandro Peredia-Leanos, Member
dba **1960 COCINA (F-COM)**
1810 Willamette St
Eugene, OR 97401

OAR 845-006-0335(1)(a)(b)(c) – On or about October 7, 2022, Licensee Alejandro Peredia-Leanos failed to verify the age of a minor before allowing her to buy or be served an alcoholic beverage when she reasonably appeared to be under 26 years of age.

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice dated November 23, 2022. The total proposed sanction was a 12-day suspension or a \$3,000.00 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 personally committed by a licensee.

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.
2. Commission staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for this violation. Staff added two days of aggravation because the violation was personally committed by a licensee. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on March 15, 2023 OR serve a 9-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on March 31, 2023.
5. Licensee withdraws its Request for Hearing in this matter.
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.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

2. Chuckie Pies, LLC
Lisa Shaw-Ryan, Mng Mbr
dba **CHUCKIE PIES (F-COM)**
370 First St
Lake Oswego, OR 97034

OAR 845-006-0335(1)(a)(b)(c) – On or about October 20, 2022, Licensee’s employee, agent, or representative Tierney Garrett failed to verify the age of a minor before allowing them to buy or be served 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 December 21, 2022. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the violation involved more than one employee.

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. Commission staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for this violation. Staff added two days of aggravation because the violation involved more than one employee. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on March 15, 2023 OR serve a 9-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on March 31, 2023.
5. 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.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

3. Kunsik Kim
Oksoon Kim
dba **LITTLE'S MARKET & DELI (O)**
544 E. 13th Avenue
Eugene, OR 97401

OAR 845-006-0335(1)(a)(b)(c) – On or about August 23, 2022, Licensee's employee, agent, or representative James Kim failed to verify the age of a minor before allowing her to buy or be served an alcoholic beverage when she reasonably appeared to be under 26 years of age.

Note: Licensee was charged with this violation by Notice dated December 14, 2022. The total proposed penalty was a 12-day suspension or a \$3,000 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(1st Level Category II(b))

AGGRAVATION

Staff added two days of aggravation for Licensee's failure to use age verification equipment (AVE) purchased as an offset to a previous penalty.

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 two days of aggravation for Licensee's failure to use age verification equipment (AVE) purchased as an offset to a previous penalty. Commission staff recommended a 12-day suspension or a \$3,000 civil penalty for this violation.
3. The Commission will reduce the sanction for this violation by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on March 15, 2023, **OR** serve a nine-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on March 31, 2023.
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.
6. Licensee withdraws the request for a hearing.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

4. BSA Family Partnership
Balwinder Singh, General Partner
Shanti Deyi, General Partner
dba **NEIGHBORHOOD MARKET (O)**
610 W 1st Ave
Eugene, OR 97402

OAR 845-006-0335(1)(a)(b)(c) – On or about August 23, 2022, Licensee Balwinder Singh failed to verify the age of a minor before allowing her to buy or be served an alcoholic beverage when she reasonably appeared to be under 26 years of age..

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice dated December 27, 2022. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the violation was committed by Licensee.

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 two days of aggravation because the violation was committed by Licensee Balwinder Singh. Commission staff recommended a 12-day suspension or a \$3,000.00 civil penalty for this violation.
3. The Commission will reduce the sanction for this violation by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on March 15, 2023, **OR** serve a nine-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on March 31, 2023.
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.
6. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

5. Purlieu, LLC
Laura Hines, Managing Member
Joseph Kiefer-Lucas, Mng Mbr
Rosa Farah, Member
Jon Farah, Member
dba **PURLIEU (F-COM)**
1530 Willamette St
Eugene, OR 97401

OAR 845-006-0335(1)(a)(b)(c) – On or about October 7 2022, Licensee’s employee, agent, or representative Joseph Kiefer-Lucas failed to verify the age of a minor before allowing her to buy or be served an alcoholic beverage when she reasonably appeared to be under 26 years of age.

(1st Level Category II(b))

ORS 471.360(1)(a) and (b) - From about March 12, 2021 to about October 7, 2022, Licensee permitted managing member Joseph Kiefer-Lucas to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(1st Level Category III)

Note: Licensee was charged with these violations by Notice dated December 21, 2022. The total proposed penalty was a 26-day license suspension or a \$5,310.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added four days of aggravation because Violation Number One and Number Two were committed by Licensee Joseph Kiefer-Lucas and added two days of aggravation to Violation Number Two because Joseph Kiefer-Lucas worked without a valid service permit for more than six months.

SYNOPSIS: In the course of a minor decoy operation, inspectors realized the service permit for Licensee J. Kiefer-Lucas had expired more than 18 months previously.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations Number One and Number Two as set out in the Notice. Violation Number One was Licensee’s first Category II(b) violation within two years. Violation Number Two was Licensee’s first Category III violation within two years. Any subsequent Category II(b) violation, and/or Category III violation, within the same two years will be charged at the second level.
2. The standard sanction for these violations are a 20-day suspension or a civil penalty of \$4,150.00. Commission staff added four days of aggravation because Violation Number One and Number Two were committed by Licensee Joseph Kiefer-Lucas and added two days of aggravation to Violation Number Two because Joseph Kiefer-Lucas worked without a valid service permit for more than six months. The total proposed penalty was a 26-day license suspension or a \$5,310.00 civil penalty.
3. The Commission will reduce the penalty by six days.
4. Licensee will either pay a \$4,065.00 civil penalty before 5:00 PM on March 15, 2023 **OR** serve a 20-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on April 11, 2023.
5. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on these allegations, that licensee agrees to accept a Letter of Reprimand for these violations. 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.
6. Licensee withdraws the request for a hearing.

(continue **PURLIEU**)

7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their February 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

6. Zazon, LLC
Oniel Ortiz Hernandez, Mng Mbr
dba **SUAVECITO BAR &
GRILL (F-COM)**
207-217 NW 2nd Ave
Portland, OR 97209

OAR 845-006-0345(1) – On or about January 14, 2022 to January 15, 2022, Licensee and/or Licensee’s employees, agents, or representatives Anarosa Pardo Silva and Oniel Ortiz Hernandez drank one or more alcoholic beverages while on duty, for reasons other than for educational or quality testing purposes.

Note: Licensee was charged with these violations by Notice dated October 11, 2022. The total proposed penalty was a 58-day suspension, with the option to pay \$4,620.00 in lieu of 28 days, with the remaining 30 days mandatory. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(1st Level Category III)

OAR 845-006-0345(12) - On or about January 14, 2022 to January 15, 2022, from approximately 10:40 pm to approximately 1:49 am, Licensee and/or Licensee’s employees, agents, or representatives, Emmanuel Jaramillo, Anarosa Pardo Silva and Oniel Ortiz Hernandez, mixed, dispensed or served alcoholic beverages to themselves for on-premises consumption.

AGGRAVATION
Staff added eight days of aggravation because Violation Number One and Violation Number Two involved more than one patron or employee and because licensee personally committed those violations.

(1st Level Category III)

OAR 845-006-0345(1) - On or about January 14, 2022 to January 15, 2022, Licensee’s employee, agent or representative Emmanuel Jaramillo was under the influence of intoxicants while on duty when he consumed eight tequila shots within a period of approximately three hours while on duty at the premises.

(1st Level Category II)

SYNOPSIS: – While reviewing video from the premises, the Inspector saw that Licensee and two other employees consumed and served alcoholic beverages to themselves for on-premises consumption. Licensee and one of the employees each had one drink during the time of the incident. However, the second employee was charged with being under the influence of intoxicants while on duty as he consumed eight tequila shots within a period of three hours.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. Violations Number One and Number Two were Licensee’s first and second Category III violations within two years, charged at the first level. Violation Number Three was Licensee’s first Category II violation within two years. Any subsequent Category III or Category II violations within the same two years will be charged at the second level. These violations 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.

(continue **SUAVECITO BAR & GRILL**)

2. The standard sanction for each Category III violation is a 10-day suspension or a \$1,650.00 civil penalty. The standard sanction for a Category II violation is a 30-day suspension. Commission staff added eight days of aggravation because Violation Number One and Violation Number Two involved more than one patron or employee and because licensee personally committed those violations. The total proposed sanction was a 58-day suspension, with the option to pay a civil penalty of \$4,620.00 in lieu of 28 days, and the remaining 30-day suspension mandatory
3. The Commission will reduce the sanction for Violations Number One and Number Two by three days each. The Commission will reduce the sanction for Violation Number Three by nine days.
4. Licensee will either serve a 43-day license suspension from 7:00 AM on March 22, 2023 to 7:00 AM on May 4, 2023 **OR** pay a \$3,630.00 civil penalty before 5:00 PM on March 15, 2023 and serve a 21-day license suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on April 12, 2023.
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.
6. Licensee withdraws the request for a hearing.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

7. Gracie's Restaurant, LLC
Tracy Syanovitz, Mng Member
Grant Dixon, Member
dba **CHOPS BISTRO (F-COM)**
370 E Cascade Ave
Sisters, OR 97759

OAR 845-006-0345(1) - On or about October 30, 2021, Licensee's managing member Tracy Syanovitz was under the influence of intoxicants while on duty, when she was observed at and in the immediate vicinity of the premises to be highly intoxicated, and she controlled access to the premises and engaged in mixing or service of alcoholic beverages at the premises, thus putting herself on duty.

(1st Level Category II)

OAR 845-006-0347(1)(c), (2)(a) - On or about October 30, 2021, Licensee permitted disorderly activities on the licensed premises or in areas the Licensee controls that are adjacent to or outside the premises, when Licensee's managing member Tracy Syanovitz physically attacked employee Brian Golly inside the premises.

(1st Level Category III)

OAR 845-006-0345(12) – On or about October 30, 2021, October 23, 2021, and September 24, 2021, Licensee's employees, agents, or representatives, including managing member Tracy Syanovitz, mixed, dispensed or served alcoholic beverage(s) to themselves for on-premises consumption.

(1st Level Category III)

Note: Licensee was charged with these violations by Notice dated April 19, 2022 and by Amended Notice Dated January 24, 2023. The total proposed sanction was a 62-day license suspension, with the option to pay \$4,950.00 in lieu of 30 days, with the remaining 32 days mandatory. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff added 12 days aggravation because each violation was personally committed by Licensee Tracy Syanovitz, Violation Number Two resulted in injury, and Violation Number Three involved two or more patrons or employees and was repeated.

SYNOPSIS: During the night of October 29-30, 2021, Licensee Tracy Syanovitz was observed drinking alcohol at her premises, and she got into an argument with Employee B. Golly, with whom she had been involved in a domestic relationship. Golly left, and Syanovitz was later observed intoxicated and causing a disturbance outside Hardtails, a neighboring premises, resulting in police being called at 12:42 am. Syanovitz was questioned and advised to go home (her apartment is adjacent to her licensed premises). Police were called back around 2:20 am for a reported assault. Golly had been granted permission by Syanovitz to go back into the licensed premises to retrieve his car keys, but once inside she assaulted him. Syanovitz was subsequently convicted of Attempt to Commit a Class A Misdemeanor - Assault IV (constituting domestic violence), sentenced to probation and evaluation for alcohol abuse, and instructed by the Court to complete required treatment.

(continue **CHOPS BISTRO**)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. This was Licensee's first Category II violation within two years. These were Licensee's first and second Category III violations within two years, charged at the first level. Any subsequent Category II or Category III violation within the same two years will be charged at the second level. These violations 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 the licensee.
2. The standard sanction for Violation Number One is a 30-day license suspension. The standard sanction for Violations Number Two and Number Three is a 10-day suspension or a civil penalty of \$1,650.00 each. Commission staff added 12 days aggravation because each violation was personally committed by Licensee Tracy Syanovitz, Violation Number Two resulted in injury, and Violation Number Three involved two or more patrons or employees and was repeated. The total proposed penalty was a 62-day license suspension, with the option to pay \$4,950.00 in lieu of 30 days, with the remaining 32 days mandatory.
3. The Commission will reduce the penalty by 15 days.
4. Licensee will either serve a 47-day license suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on May 8, 2023 **OR** pay a \$3,960.00 civil penalty by 5:00 PM on March 15, 2023 and serve a 23-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on April 14, 2023.
5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these incidents, the licensee agrees to accept a Letter of Reprimand for these violations. This reprimand 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 the licensee.
6. Licensee withdraws the request for hearing.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their February 2023 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.

8. Carole's Mad Dog Restaurant and Saloon, LLC
Carole Davidson, Managing Mbr
Michael Davidson, Member
dba **CAROLE'S MAD DOG RESTAURANT AND SALOON (F-COM)**
175 Mill St
Sumpter, OR 97877

OAR 845-006-0347(1)(c), (2)(a) – On or about December 11, 2021, 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 Licensee Michael Davidson permitted a patron to harass or assault Licensee Carole Davidson.

(1st Level Category III)

Note: Licensee was charged with this violation by Notice dated April 19, 2022. The total proposed sanction was a 12-day suspension or a \$1,980.00 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 committed by Licensee Michael Davidson.

SYNOPSIS: OLCC inspector responded to a patron's complaint about disorderly activities on the licensed premises, which stated that Licensee Michael Davidson watched without intervening as a patron verbally harassed and physically assaulted Licensee Carole Davidson. Investigation disclosed conflicting stories about who the instigator was and exactly what happened, but Carole's story aligned with the patron's complaint that while Carole was in the kitchen area another patron entered, yelled at her, and hit her.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category III violation. Any subsequent Category III 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 \$1,650.00 civil penalty. Commission staff added two days of aggravation because the violation was committed by Licensee Michael Davidson. Commission staff recommended a 12-day suspension or a \$1,980.00 civil penalty for this violation.
3. The Commission will reduce the penalty for this violation by three days.
4. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on March 15, 2023, **OR** serve a nine-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on March 31, 2023.
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.
6. Licensee withdraws the request for a hearing.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

9. Brothers of Valor, Inc.
Tim Davis, President/Director
Sven Anderson, Secretary/Director
Tom Greenwood, Treasurer/Director
Buddy Puckett, Director
Jeremy Schwab, Director
Gabe Johansen, Director
Matthew Roy, Director
Kevin Dial, Director
dba **TOWN & COUNTRY
LANES (L-NP)**
3500 River Rd N
Keizer, OR 97303

OAR 845-006-0475(2)(a) – From about April 15, 2021 to about September 28, 2021, Licensee allowed Town & Country BBQ, LLC, Jimmy Brundage, and/or Dawn Brundage to obtain an interest in the licensed business without prior approval by the Commission when Town & Country BBQ, LLC, Jimmy Brundage, and/or Dawn Brundage were allowed to sublet all or part of the licensed premises and utilized Licensee’s liquor license to sell or serve alcoholic beverages, which constitutes an ownership interest under OAR 845-005-0311(4)(e), and this ownership interest was not disclosed to the Commission.

Note: Licensee was charged with this violation by Notice dated July 5, 2022. The standard sanction for this violation is license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(Category I)

SYNOPSIS: OLCC conducted an investigation after receiving an anonymous complaint regarding an undisclosed ownership interest issue. The investigation disclosed that for about six months from April 2021 to September 2021 Licensee sublet the restaurant portion of the licensed premises and allowed another party to utilize Licensee’s liquor license to sell alcoholic beverages. Licensee stated that as part of the agreement, the other party promised to obtain their own OLCC license and Licensee mistakenly believed that they could let the other party operate under their license temporarily while the other party sought their own license. The other party however did not apply with OLCC for a license during this time period. Once Licensee was made aware of the violation, Licensee quickly evicted the other party and took back the operation of the restaurant.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category One violation. 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 license cancellation.
3. Due to special mitigating circumstances, the Commission will reduce the sanction for this violation to a 30-day license suspension, with the option to pay a \$4,620.00 civil penalty in lieu of 28 days, and the remaining two days mandatory.
4. Licensee will either pay a \$4,620.00 civil penalty before 5:00 PM on March 15, 2023 and serve a two-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on March 24, 2023 **OR** serve a 30-day suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on April 21, 2023.
6. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on this allegation, the licensee agrees to accept a Letter of Reprimand. 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 the licensee.
7. Licensee withdraws the request for a hearing.

(continue **TOWN & COUNTRY LANES**)

8. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.

10. GTBS, LLC
Robert McAnally, Managing Mbr
John Sanders, Member
dba **SPORTSMAN TAVERN (F-COM)**
145 S Redwood Hwy
Cave Junction, OR 97523

ORS 471.315(1)(c) – There is a history of serious and persistent problems involving disturbances, unlawful activities or noise either in Sportsman Tavern at 145 S Redwood Highway, Cave Junction, Oregon (licensed premises or premises), or involving patrons of the establishment in the immediate vicinity of the premises. The problems occurred from June 9, 2021 to February 26, 2022.

(Category I)

OAR 845-006-0345(15) - On or about June 9, 2021, from approximately 11:00 pm to about 12:00 am on June 10, 2021, Licensee and/or Licensee's employee, agent or representative Holly Yanase offered or allowed consumption of alcoholic beverages on the licensed premises after 11:00 pm contrary to Governor's Executive Order 20-66 incorporating Oregon Health Authority guidelines relating to the hours that a business may serve beverages for consumption on the licensed premises in accordance with the Sector Level Risk Guidance for Josephine County at the time of the incident.

(2nd Level Category II)

OAR 845-006-0335(1)(a)(b)(c) - On or about August 18, 2021, Licensee and/or Licensee's employees, agents, or representatives failed to verify the ages of a minor and a juvenile before allowing them to buy or be served alcoholic beverages when they reasonably appeared to be under 26 years of age.

(1st Level II(b))

OAR 845-006-0335(3)(a)(B) - On or about August 18, 2021, Licensee and/or Licensee's employees, agents, or representatives permitted J. Hanshaw, a minor, and M. Gibson, a juvenile, to be on the licensed premises, the entirety of which is subject to a #1 minor posting, "No Minors Permitted

Note: Licensee was charged with these violations by Notice dated June 22, 2022. Staff proposed the standard sanction of license cancellation for these violations.

AGGRAVATION

Staff proposed aggravating the penalty because Violation Number One resulted in injury and death; Violations Number Three and Number Four resulted in injury to a minor and juvenile and involved more than one patron; Violations Number One, Number Three and Number Four involved a juvenile; Violation Number Five involved an employee working without a permit for more than six months; and because the number of violations indicate a disregard for the law or failure to control the premises.

(continue **SPORTSMAN TAVERN**)

Anywhere on This Premises,” for reasons other than as permitted in ORS 471.430, 471.480, 471.482, OAR 845-006-0340, and OAR 845-006-0335.

(1st Level Category IV)

ORS 471.360(1)(a) and (b) - From about January 1, 2020 to about February 21, 2022, Licensee permitted its employee, agent, or representative Rose Glenn to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(2nd Level Category III)

SYNOPSIS: OLCC investigation into the premises after a double fatality DUII uncovered a history of serious and persistent problems, documenting 16 incidents in about nine months with the majority of the incidents involving a DUII arrest. Multiple incidents included in the history violation were also separately charged and included a Governor’s Executive Order violation, service of alcohol to minors and permitting minors in the premises. Since issuance of the charge letter, Licensee has demonstrated apparent willingness and ability to control the premises to the satisfaction of Commission staff, by having no additional documented incidents since February 2022. Licensee has implemented voluntary control measures such as early closure, drink restrictions, utilizing liquor measuring devices and installing age verification equipment. Under the settlement terms Licensee will pay a hefty fine, serve a mandatory suspension and will be subject to license restrictions intended to make key voluntary control measures mandatory, and to enhance video surveillance requirements. The service permit violation involved the bartender who served minors, whose service permit application was denied for failure to take/pass the test in December 2018, but who was nonetheless employed at the premises during the time charged. This bartender has since passed the server test and obtained her service permit.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations Number One, Number Two, Number Three, Number Five, and Alternate Violation Four, as set out in the Notice. Violation Number One was Licensee’s first Category I violation. Violation Number Two was Licensee’s second Category II violation within two years, charged at the second level. Violation Number Three was Licensee’s first Category II(b) violation within two years. Alternate Violation Four was Licensee’s first Category IV violation within two years. Violation Number Five was Licensee’s second Category III violation within two years, charged at the second level. Any subsequent Category II(b) violation or Category IV violation within the same two years will be charged at the second level. Any subsequent Category III violation within the same two years will be charged at the third level. These violations 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 a Category I violation is license cancellation. The standard sanction for a second-level Category II violation is license cancellation. The standard sanction for a Category II(b) violation is a 10-day suspension or a \$2,500.00 civil penalty. The standard sanction for second level Category III violation is a 30-day license suspension or \$4,950.00 civil penalty. The standard sanction for a Category IV violation is a seven-day license suspension or \$1,155.00 civil penalty. Commission staff proposed aggravating the penalty because Violation Number One resulted in injury and death; Violations Number Three and Number Four resulted in injury to a minor and juvenile and involved more than one patron; Violations Number One, Number Three and Number Four involved a juvenile; Violation Number Five involved an employee working without a permit for more than six months; and because the number of violations indicated a disregard for the law or failure to control the premises.

(continue **SPORTSMAN TAVERN**)

3. Commission staff originally proposed for these violations the standard sanction of license cancellation.
4. The Commission will reduce the sanction for Violation Number One to a 32-day license suspension, with the option to pay a \$4,950.00 civil penalty in lieu of 30 days, and the remaining two days mandatory; plus the imposition of restrictions on this license as stated in paragraph 12 below.
5. The Commission will reduce the sanction for Violation Number Two to a 21-day license suspension, with the option to pay a \$2,640.00 civil penalty in lieu of 16 days, and the remaining five days mandatory.
6. The Commission will impose the full sanction for Violation Number Three of a 16-day suspension or a \$4,000.00 civil penalty. Licensee will have the option to install age verification equipment (AVE) by March 1, 2023. In the event Licensee installs AVE, Licensee will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. All alcohol sales will be run through registers at which age verification equipment is installed. Installation of age verification equipment that meet all standards set forth in this agreement and in OAR 845-009-0140(2) is done in lieu of 10 days of the suspension or \$2,500.00 of the civil penalty.
7. Licensee understands that it is eligible for a credit for installation of AVE only one time, that the equipment is expected to remain in good order, and that the equipment must be used for as long as Licensee has a liquor license at this premises. Licensee understands that failure to use the equipment, whether by human error or malfunction, in future violations may result in increased penalties and, if applicable, removal from the Responsible Vendor Program.
8. The Commission will reduce the sanction for Alternate Violation Four to an 11-day suspension or a \$1,815.00 civil penalty.
9. The Commission will reduce the penalty for Violation Number Five to a 12-day suspension or a \$1,980.00 civil penalty.
10. If AVE is installed by March 1, 2023 and certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by March 10, 2023, Licensee will either pay a \$12,885.00 civil penalty before 5:00 PM on March 15, 2023 and serve a seven-day license suspension from 7:00 AM on March 22, 2023 to 7:00 AM on March 29, 2023 **OR** serve an 82-day license suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on June 12, 2023.
11. If AVE is not installed by March 1, 2023 or not certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by March 10, 2023, Licensee will either pay a \$15,385.00 civil penalty before 5:00 PM on March 15, 2023 and serve a seven-day license suspension from 7:00 AM on March 22, 2023 to 7:00 AM on March 29, 2023 **OR** serve a 92-day license suspension beginning at 7:00 AM on March 22, 2023 and ending at 7:00 AM on June 22, 2023.

(continue **SPORTSMAN TAVERN**)

12. The Commission will impose restrictions on the license. Licensee accepts the imposition of the following license restrictions without conditions or reservations:
 - (1) The sale and service of alcohol is prohibited from 12:00 am to 7:00 am.
 - (2) Licensee will not allow any person to possess or consume alcohol at the premises from 12:30 am to 7:00 am.
 - (3) Staff shall not sell or serve to a patron, and a patron may not possess, more than one container of alcohol at one time, and each container of alcohol will contain no more than 16 ounces of malt beverage, 16 ounces of cider, six ounces of wine, or two ounces of distilled spirits. To comply with this restriction, each patron must directly be served their own drinks.
 - (4) Licensee's alcohol servers will use a one-ounce jigger or one-ounce measured liquor bottle pourer to measure pours of distilled spirits.
 - (5) Licensee's employees, agents, or representatives will immediately report any violent or illegal activity observed within or outside the premises to law enforcement.
 - (6) Licensee will maintain a security video surveillance system with digital video recording capabilities sufficient to capture clear and specific images of all areas controlled by the licensee, including the outdoor area adjacent to the licensed building and the parking lot. The licensee must keep all recordings for a minimum of 30 calendar days, with the date and time embedded on all surveillance recordings without significantly obscuring the picture. Licensee must make complete unaltered video surveillance footage available within 72 hours of any request, to an OLCC inspector or law enforcement officer.
13. Licensee withdraws the request for a hearing.
14. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these charges, the licensee agrees to accept a Letter of Reprimand for the violations charged in the Notice. 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.
15. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their February 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.