

ADMINISTRATIVE HEARINGS DIVISION

January 20, 2022

STIPULATED SETTLEMENT AGREEMENT FOR LIQUOR VIOLATION CASES

1. Future Maker Nutrition, LLC
Jialin Fu, Managing Member
Chi Ma, Member
dba **LN MINIT MARKET (O)**
536 E 11th Ave
Eugene, OR 97401

OAR 845-006-0335(1)(a)(b)(c) – On or about October 9, 2020, Licensee’s managing member Jialin Fu failed to verify the age of two juvenile minors, before allowing them to buy or be served alcoholic beverages 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 November 9, 2021. The total proposed penalty was a 16-day license suspension or a \$4,000.00 civil penalty.

AGGRAVATION

Staff added six days aggravation because the violation was committed by Licensee, involved more than one patron, and involved a juvenile.

SYNOPSIS: Inspectors conducted an undercover operation at this convenience store after receiving complaints that the premises was selling alcohol to minors. The inspectors surveilled the premises and observed the managing member selling a 42-ounce bottle of malt liquor to two youthful-appearing male customers without requesting ID. The customers were later identified as being 16 years of 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 the 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 this violation is a 10-day suspension or a civil penalty of \$2,500.00. Commission staff added six days aggravation because the violation was committed by Licensee, involved more than one patron, and involved a juvenile. The total proposed penalty was a 16-day license suspension or a \$4,000.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$3,250.00 civil penalty before 5:00 PM on February 15, 2022 **OR** serve a 13-day suspension beginning at 7:00 AM on February 22, 2022 and ending at 7:00 AM on March 7, 2022.
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 or permit by the licensee.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their January 2022 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.