

ADMINISTRATIVE HEARINGS DIVISION

June 15, 2022

STIPULATED SETTLEMENT AGREEMENT - LIQUOR VIOLATION CASE

1. Sam's Silver Dollar Pizza, Inc.
Sam MacBale, Pres/Dir/Stkldr
dba **SILVER DOLLAR PIZZA (F-COM)**
501 NW 21st Avenue
Portland, OR 97209

OAR 845-006-0347(2)(a) – On or about July 31, 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 they permitted large numbers of patrons to spill out onto the street in front of the premises, causing cars to stop or go around the crowd in order to avoid hitting them.

(Category III)

OAR 845-006-0345(6) - On or about July 31, 2021, Licensee and/or Licensee's employees, agents, or representatives permitted patrons to take open containers of alcoholic beverages from the licensed premises.

(Category V)

SYNOPSIS: Following a complaint regarding security staff at the premises and incidents of disorder, including a fight involving multiple patrons, an OLCC inspector conducted undercover observations of the premises on a Friday night. They positioned themselves outside the premises where they could observe the entry and the separate exit, both with security guards posted by them. They observed the security guard by the exit allow patrons to walk outside with open containers of alcohol, some of whom walked into the street with their drinks. At around 12:30am, so many patrons had walked into the street that they were blocking traffic, and cars had to stop and go around them in order to avoid hitting them. This was in full view of premises security, who did nothing to get them out of the street or return to the premises with their drinks. Over the next hour, the inspector observed multiple patrons leave the premises with alcoholic beverages and walk across the street or into the street. The inspector noted that while he observed multiple excessively intoxicated patrons, patrons blocking the sidewalk and the street, and patrons leaving the premises with alcoholic beverages, Licensee's staff took no steps to control the area or address the disorder in any way.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. This was Licensee's first Category III violation and first Category V violation within two years. Any subsequent Category III or Category V 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 that licensee.

Note Licensee was charged with this violation by Notice dated March 23, 2022. The total proposed sanction was a 17-day suspension or a \$2,805.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation to each because both violations involved more than one patron.

(continue **SILVER DOLLAR PIZZA**)

2. The standard sanction for Violation Number One is a 10-day suspension or a \$1,650.00 civil penalty. The standard sanction for Violation Number Two is a three-day suspension or a \$495.00 civil penalty. Staff added two days of aggravation to each because both violations involved more than one patron.
3. The Commission will reduce the sanction for Violation Number One by three days, and for Violation Number Two by one day.
4. Licensee will either pay a \$2,145.00 civil penalty before 5:00 PM on July 15, 2022, **OR** serve a 13-day suspension beginning at 7:00 AM on July 22, 2022 and ending at 7:00 AM on August 4, 2022.
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 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.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their June 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.