

ADMINISTRATIVE HEARINGS DIVISION

November 16, 2023

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

- 1. **SHILOH HAMLIN**  
Service Permit # J9Z970

OAR 845-006-0347(1)(c), (2)(a) – On or about December 10, 2022, Permittee permitted disorderly activities on the licensed premises of Bigfoot Tavern or in areas the Licensee controls that are adjacent to or outside the premises, when Permittee observed that unconscious patron A. Byrd was dragged from a vehicle in the premises parking lot and left in a snow bank, and Permittee failed to take reasonable steps to prevent or mitigate the disorder.

Note: Permittee was charged with this violation by Notice dated August 8, 2023. The total proposed penalty was a 12-day suspension or a \$300.00 civil penalty. Permittee requested a hearing and now wishes to enter into this settlement agreement.

**AGGRAVATION**

Staff added two days of aggravation because the violation resulted in injury.

(1<sup>st</sup> Level Category III)

**SYNOPSIS:** A patron was overserved and lost consciousness at this rural premises during the winter. The bartenders could not find anyone to take him home so they put him into their car intending to take him to their home. The patron’s church advocate / roommate then showed up. There is conflicting evidence as to what happened next, but the result is that the unconscious patron ended up in a snowbank and Permittee Hamlin was aware of this but failed to take reasonable steps to protect him from further harm. With Permittee’s knowledge the church advocate called 911, an ambulance arrived, and the patron was revived and cared for.

**TERMS OF AGREEMENT**

- 1. Permittee accepts responsibility for the violation as set out in the Notice. This was Permittee’s first Category III violation within two years. Any subsequent Category III violation(s) within the same two years will be charged starting at the second level. This violation will become a permanent part of Permittee’s Commission file and may be considered in any pending or future application for any license or permit by the Permittee.
- 2. The standard sanction for this violation is a 10-day suspension or a \$250.00 civil penalty. Staff added two days of aggravation because the violation resulted in injury.
- 3. The Commission will reduce the sanction by three days.
- 4. Permittee shall pay a \$225.00 civil penalty before 5:00 PM on December 15, 2023, **OR** serve a nine-day suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on December 31, 2023.
- 5. Permittee withdraws his Request for Hearing in this matter.
- 6. If Permittee’s interest in the permit expires before the Commission issues a final order on these charges, Permittee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of Permittee’s Commission file and may be considered in any future application for any license or permit by the Permittee.

(continue **SHILO HAMLIN SP # J9Z970**)

7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their November 2023 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Permittee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Permittee 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. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 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. Mark Long  
Linnea Watson  
dba **CLACKAMAS RIVER  
GROWLERS (L)**  
367 SE Main St  
Estacada, OR 97023

OAR 845-006-0335(1)(a)(b)(c) – On or about November 19, 2022, Licensee Mark Long failed to verify the age of a minor, Charlie Coupland, before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

(1<sup>st</sup> Level Category II(b))

Note: Licensee was charged with this violation by Notice dated April 25, 2023. 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 Licensee Mark Long.

**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. Any subsequent Category II(b) violation within the same two years will be charged starting 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 personally committed by Licensee Mark Long. 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 pay a \$2,250.00 civil penalty before 5:00 PM on December 15, 2023 **or** serve a nine-day license suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on December 31, 2023.
5. Licensee withdraws the request for a 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.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their November 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. Jax Deli, LLC  
Kathy Shodin, Managing Mbr.  
dba **JAX DELI (L)**  
134 S 32<sup>nd</sup> St, Ste D  
Springfield, OR 97478

OAR 845-006-0335(1)(a)(b)(c) – On or about February 24, 2023, Licensee Kathy Shodin 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.

Note: Licensee was charged with this violation by Notice dated October 3, 2023. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

(1<sup>st</sup> Level Category II(b))

**AGGRAVATION**

Commission staff added two days aggravation because the violation was committed by Licensee Kathy Shodin.

**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(s) within the same two years will be charged starting 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 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 two days aggravation because the violation was committed by Licensee Kathy Shodin. The total proposed penalty was a 12-day license 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 December 15, 2023 **OR** serve a nine-day suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on December 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 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 November 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.

4. 19AD4, LLC  
Angelo Dearborn, Managing Mbr  
Frances Dearborn, Managing Mbr  
Pete Belcastro, Member  
Hank Dearborn, Member  
dba **GINO'S MARKET (O)**  
147 E Main St  
Klamath Falls, OR 97601

OAR 845-006-0335(1)(a)(b)(c) - On or about December 15, 2022 Licensee's employee, agent, or representative Melissa Jones 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.

(1<sup>st</sup> Level Category II(b))

Note: Licensee was charged with this violation by Notice dated September 6, 2023. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

**AGGRAVATION**

Commission staff added two days aggravation because Licensee had previously been allowed to purchase age verification equipment (AVE) as an offset to a penalty for a previous failure to verify the age of a minor, and the AVE was not used to prevent this violation.

**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 starting 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 the licensee.
2. The standard sanction for the violation is a 10-day suspension or a civil penalty of \$2,500.00. Commission staff added two days aggravation because Licensee had previously been allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor. The total proposed penalty was a 12-day license suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the penalty for the violation by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on December 15, 2023 **OR** serve a nine-day suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on December 31, 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 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.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their November 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.

5. M & S Grocers, Inc.  
Mark McDonald, Pres/Stockholder  
Mike McDonald, Vice President  
Mary McDonald, Sec/Treas/Stkhldr  
dba **SWEETHOME THRIFTWAY (O)**  
621 Main St  
Sweet Home, OR 97386

OAR 845-006-0335(1)(a)(b)(c) - On or about January 28, 2023, Licensee's employee, agent, or representative Michael Harcrow 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.

(1<sup>st</sup> Level Category II(b))

Note: Licensee was charged with this violation by Notice dated October 4, 2023. The total proposed sanction was a 12-day suspension or a civil penalty of \$3,000.00 for this violation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

**AGGRAVATION**

Commission staff added two days aggravation because Licensee had previously been allowed to purchase age verification equipment to offset a penalty for a previous failure to verify the age of a minor, and the age verification equipment was not used to prevent the current violation.

**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(s) within the same two years will be charged starting 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 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 two days aggravation because Licensee had previously been allowed to purchase age verification equipment to offset a penalty for a previous failure to verify the age of a minor, and the age verification equipment was not used to prevent the current violation. The total proposed penalty was a 12-day license 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 December 15, 2023 **OR** serve a nine-day suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on December 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 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 November 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.

6. Anthony Kassapakis  
Maria Kassapakis  
dba **TONY'S (F-COM)**  
10524 NE Sandy  
Portland, OR 97220

ORS 471.360(1)(a) and (b) - From about July 31, 2021, to January 11, 2023, Licensees permitted their employee, agent, or representative Wendy Windham to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

Note: Licensee was charged with this violation by Notice dated July 25, 2023. The total proposed sanction was a 32-day license suspension or a \$5,280.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(2<sup>nd</sup> Level Category III)

**SYNOPSIS:** On January 11, 2023, OLCC Inspector was on the premises following up on an unrelated matter and discovered Server Wendy Windham was selling/serving alcohol and supervising others doing the same without a valid service permit. Ms. Windham never had an Oregon service permit and her application was denied on July 9, 2021 because she did not complete the process by taking the required exam. Ms. Windham had worked on the premises for approximately a year and a half without a valid service permit. Licensee accepted responsibility for a prior service permit violation that ended March 16, 2021.

### **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. Licensee's first Category III violation within this two-year period ended March 16, 2021. Any subsequent Category III violations within the same two years as the current violation will be charged starting 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 32-day suspension or a civil penalty of \$5,280.00 for this violation.<sup>1</sup>
3. The Commission will reduce the penalty by nine days.
4. Licensee will either pay a \$3,795.00 civil penalty before 5:00 PM on December 15, 2023 **or** serve a 23-day license suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on January 14, 2024.
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 November 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.

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<sup>1</sup> There was a slight error, favorable to the Licensee, in the charging language. The correct penalty for this situation is a 32-day suspension with the option to pay \$4,950 in lieu of 30 days, with two days mandatory. However, the standard settlement amount is the same either way.

7. Forget Me Not Ventures, LLC  
Lorraine Kupchin, Managing Mbr  
William Kupchin, Managing Mbr  
dba **GORGE WINE LIBRARY (L)**  
506 E 2<sup>nd</sup> St  
The Dalles, OR 97058

ORS 471.168(1) and OAR 845-005-0400(1) - From  
about March 22, 2023, to about June 6, 2023,  
Licensee failed to maintain liquor liability insurance  
or a bond with a corporate surety authorized to  
transact business in this state in an amount of not  
less than \$300,000.00 for Gorge Wine Library.

Note: Licensee was charged with this violation by  
Notice dated July 25, 2023. The standard sanction  
for this violation is a \$4,950.00 civil penalty and a  
90-day license suspension. Licensee wishes to  
enter into this settlement agreement.

(Category I)

**SYNOPSIS:** On May 30, 2023, OLCC received notification that this limited on-premises Licensee's LLI coverage had been terminated effective March 22, 2023 at 12:01AM. The inspector immediately contacted Licensee, but coverage was not restored until June 6, 2023, which is a 76-day lapse. License privileges were exercised during the lapse in coverage. Licensee L. Kupchin provided evidence that she had serious medical issues starting April 27, 2023 and that Licensee W. Kupchin provided care for her, so the settlement is based on the presumptive penalty for a 35-day lapse, from March 22, 2023 to April 26, 2023.

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category I 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 the licensee.
2. The standard sanction for this violation is a \$4,950.00 civil penalty and a 90-day license suspension.
3. The Commission will reduce the penalty to a \$4,950.00 civil penalty or a 30-day license suspension.
4. Licensee will either pay a \$4,950.00 civil penalty by 5:00 PM on December 15, 2023, or serve a 30-day suspension beginning at 7:00 AM on December 22, 2023 and ending at 7:00 AM on January 21, 2024.
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. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their November 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. GAM Consulting, Inc.  
Leda Mudge, Pres/Sec/Dir/StkHldr  
dba **HUB CITY BAR &  
GRILL (F-COM)**  
2498 S Hwy 97, Suite E  
Redmond, OR 97756

License subject to Restriction #1:  
“Licensee Leda Mudge shall abstain  
from the consumption of alcoholic  
beverages at all times.”

OAR 845-005-0355(5) - On or about September 8,  
2020, Licensee failed to exercise license privileges  
in compliance with Restriction #1 above, when  
Licensee consumed one or more alcoholic  
beverages.

(Category I)

OAR 845-005-0355(5) - On or about July 18, 19,  
and 20, 2021, Licensee failed to exercise license  
privileges in compliance with Restriction #1 above,  
when Licensee consumed one or more alcoholic  
beverages on each of these dates.

(Category I)

ORS 471.425(1) - On or about September 4, 2021,  
Licensee made false statements or representations  
to the Commission in order to induce or prevent  
action by the Commission when, in their  
September 2021 license renewal form when asked  
to list “arrests or convictions” in the last 18 months,  
Licensee responded “none,” where Licensee in fact  
was arrested on or about September 8, 2020.

(1<sup>st</sup> Level Category II)

OAR 845-006-0347(1)(c), (2)(a) - On or about  
March 25, 2022 to March 26, 2022, from shortly  
before midnight until approximately 12:15am,  
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 failed to call police  
immediately after a fight inside the premises  
occurred and spilled out onto the sidewalk or  
parking lot, and did not have sufficient security on  
hand to control the continued disorder caused by  
multiple intoxicated patrons on the sidewalk and in  
the parking lot engaged in verbal altercations.

(1<sup>st</sup> Level Category III)

Note: Licensee was charged with these violations by  
Notice dated December 6, 2022. Staff proposed  
the standard sanction of license cancellation.  
Licensee requested a hearing and now wishes to  
enter into this settlement agreement.

### AGGRAVATION

Commission staff proposed aggravating the penalty because  
there are three or more violations within a two-year period,  
where the number of violations indicate a disregard for the  
law or failure to control the premises; Licensee attempted to  
conceal Violation Number One; and Violation Number Four  
involved more than one patron or employee..

(continue **HUB CITY BAR & GRILL**)

OAR 845-006-0345(4)(a)(A)(B) - On or about July 30, 2021, Licensee and/or Licensee's employees, agents or representatives altered, removed, or concealed potential evidence, or attempted to do so, and/or refused to give an OLCC regulatory specialist evidence when requested, when all security video of the premises for the times listed below was lawfully requested by OLCC regulatory specialist T. Hutton, and video was not produced as specified below.

**REQUESTED NOT PRODUCED**

July 18 2021, from 11:00am to 2:00pm

Main Bar Camera (Camera 1)

July 19, 2021, from 9:00am to 3:45pm

Main Bar Camera (Camera 1)

July 20, 2021, from 9:00am to 5:00pm

Main Bar Camera (Camera 1)

(1<sup>st</sup> Level Category III)

OAR 845-006-0335(1)(a)(b)(c) - On or about November 3, 2022, Licensee's employee, agent, or representative Kelsen Montgomery 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.

(1<sup>st</sup> Level Category II(b))

**SYNOPSIS:** OLCC issued a proposed license cancellation for the above violations, including violations of a license restriction that Licensee Leda Mudge not consume alcohol. Licensee Mudge is in the process of selling her business. The sale was not finalized before the hearing date in this matter, and so Licensee requested settlement to avoid the time and expense of a hearing and allow her to complete the sale of her business. Under the proposed settlement, Licensee withdrew their hearing request, accepts full responsibility for the violations, and will surrender their F-COM license at the earlier of the date of transfer of ownership of the business, or by 5:00 PM February 20, 2024.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first and second Category I violations; first Category II violation within two years; first and second Category III violations within two years; and first Category II(b) violation within two years. 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. Any subsequent Category II, II(b), or III violations by the License of Record within the same two years will be charged starting at the second level.

(continue **HUB CITY BAR & GRILL**)

2. Commission staff proposed the standard sanction of license cancellation for these violations. Commission staff proposed aggravating the penalty because there are three or more violations within a two-year period, where the number of violations indicate a disregard for the law or failure to control the premises; Licensee attempted to conceal Violation Number One; and Violation Number Four involved more than one patron or employee.
3. Licensee Leda Mudge, as sole officer, director, and stockholder of Licensee of Record, has begun the process of either i) selling all of Licensee Leda Mudge's interest in the Licensee of Record and removing Leda Mudge as a licensee of the Licensee of Record; or ii) selling the business.
  - a. In the event that a successor in interest to Licensee Leda Mudge's interest in the Licensee of Record has obtained an approved license or application with the Commission, and Leda Mudge is no longer a licensee for the Licensee of Record, as evidenced in a writing by the Commission, by 4:59 PM on February 20, 2024, then the license of the Licensee of Record will not be cancelled.
  - b. In the event Licensee sells its business, Licensee hereby surrenders its license effective on the date the transfer of ownership of the business is completed or at 5:00 PM on February 20, 2024, whichever is earlier.
  - c. If neither of the events in Paragraph 3(a) or 3(b) occur, Licensee hereby surrenders its license effective at 5:00 PM on February 20, 2024.
4. If Licensee's license expires on or before 5:00 PM on February 20, 2024, and Licensee chooses to keep its license active beyond the expiration date, Licensee understands and agrees that it will have to timely submit a renewal application and any required fees. Renewal will not create any rights beyond the final surrender date stated herein.
5. Licensee understands and agrees that the Commission is not representing or guaranteeing that a successor(s) in interest to the Licensee of Record or a new owner of the business will be licensable or will have an approved license or application on or before 5:00 PM on February 20, 2024. Licensee understands and agrees that any successor(s) in interest or new owner of the business will have to fully complete the application process, and the application has to receive final approval by the Commission, prior to a license being issued or an application being approved.
6. Licensee agrees to accept a letter of reprimand for the violations specified above. This reprimand will become a permanent part of the Commission file for Licensee and may be considered in any future application for any license or permit by either Licensee Leda Mudge or the Licensee of Record.
7. Licensee withdraws its request for hearing.
8. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their November 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.