

ADMINISTRATIVE HEARINGS DIVISION

October 19, 2023

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR LICENSE APPLICANTS

1. Papi, LLC
Davide Bricca, Managing Mbr.
Ramzy Hattar, Applicant
dba **PAPICHULOS**
555 NW Arizona #60
Bend, OR 97703

OAR 845-005-0355 states, in pertinent part:

- (1) The Commission may restrict a license or service permit when:
 - (a) In the absence of a restriction, the Commission has a basis to cancel, suspend/fine or deny the license ...
 - (d) The Commission has a basis to refuse the license and the applicant or licensee has submitted a qualifying control or operating plan as good cause to overcome the refusal basis. In these circumstances the Commission shall impose as restrictions those elements of the control or operating plan that the Commission determines are essential to overcoming the refusal basis.

Note: Licensee was issued a Notice of Proposed License Restrictions (Notice), dated August 9, 2023. Licensee wishes to dispose of this licensing matter by settlement agreement, including the imposition of the listed restrictions.

(Application for a Change to the Full On-Premises Licensed Entity)

ORS 471.313 states, in pertinent part:

The Oregon Liquor and Cannabis Commission may refuse to issue a license, or may issue a restricted license, to any applicant under the provisions of this chapter if the Commission has reasonable ground to believe any of the following to be true:...

(4) That the applicant:

(g) Did not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the commission when previously licensed.

SYNOPSIS: This is an application to allow Ramzy Hattar to acquire a majority ownership interest in Papi Chulos, LLC, a company that owns and operates a small local chain of Mexican restaurants. Mr. Hattar may have a poor record of compliance with OLCC rules based primarily on incidents occurring at nightclub-type establishments. He has other restaurant-type licenses that have been more successfully compliant. Staff recommends, and the applicants agree, that the application should be granted subject to the listed license restrictions, which are calculated to ensure that this business is operated as a restaurant, not a night club.

TERMS OF AGREEMENT

1. The Commission will issue Licensee a Full On-Premises Sales license with the listed restrictions for the above location after this agreement is ratified and after Staff determine that the application is complete.

(continue **PAPICHULOS**)

2. Licensee accepts the imposition of the listed restrictions on the license identified in this agreement without any conditions or reservations.
3. Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), to judicial review, and to otherwise challenge this agreement or the Final Order resulting from it.
4. This agreement is conditioned on final approval by the Commission and will be reviewed by the Commissioners at a Commission meeting. If the Commission does not accept and approve this agreement in its entirety, it is deemed null and void, and Licensee's hearing rights, if any, will be restored. If the Commission accepts and approves this agreement in its entirety, Licensee withdraws any request for hearing.

Commission staff proposed to issue the requested Change to the Full On-Premises Sales license with the following restrictions:

- (1) The sale and service of alcohol is prohibited at the premises from 10:30 pm to 7:00 am on the next calendar day, or 15 minutes prior to closing time, whichever is earlier. The premises includes any licensed outdoor area.
- (2) Licensee will not allow any person to possess or consume alcohol at the premises from 11:00 pm to 7:00 am, or after closing time, whichever is earlier.
- (3) The premises shall be closed to the public from 11:00 pm to 7:00 am on the succeeding calendar day.
- (4) 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. Notwithstanding this restriction, a single party of two or more patrons may possess one open standard 750 ML bottle of wine, and a single party of three or more patrons may possess one standard 64 ounce pitcher of malt beverage, provided that the wine or malt beverage are served in conjunction with the service of two meals (wine) or three meals (malt beverage). "Meal" in this restriction has the meaning stated in OAR 845-006-0459(1).
- (5) Licensee shall maintain its #3 minor posting for all areas of the premises as defined in OAR 845-006-0340(5)(c), "Minors Allowed in This Area with No Drinking Environment and Drinking Alcohol Does Not Predominate."
- (6) Except as stated in paragraph (7), no forms of entertainment shall be permitted at the premises other than recorded music and DJ music. This means that the following shall not be allowed: Live Music, Dancing, Nude Entertainers, Karaoke, Coin-Operated Games, Video Lottery Machines, Social Gaming, Pool Tables, Card Games. This list is illustrative only, and not an exclusive listing of forms of entertainment that are not permitted.
- (7) Notwithstanding paragraph (6), live music is permitted at the premises on Cinco de Mayo (May 5th) of any year.

2. Papi, LLC
Davide Bricca, Managing Mbr.
Ramzy Hattar, Applicant
dba **PAPICHULOS ALBERTA**
1451 NE Alberta St. Ste. A
Portland, OR 97211

(Application for a Change to the
Full On-Premises
Licensed Entity)

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2. Licensee accepts the imposition of the listed restrictions on the license identified in this agreement without any conditions or reservations.
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(continue **PAPICHULOS ALBERTA**)

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