

ADMINISTRATIVE HEARINGS DIVISION

July 15, 2021

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR VIOLATION CASES

1. Dimond Brothers, Inc.
Rohullah Pad Shah, Pres/Stockholder
Ijaz Babakarkhel, Stockholder
dba **DIMOND BARE BONES (O)**
1304 SW Dorion Ave
Pendleton, OR 97801

OAR 845-006-0335(1)(a)(b)(c) - On or about
January 17, 2020, Licensee Rohullah Pad
Shah 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 May 4, 2021. Staff recommended a
12-day suspension or a civil penalty of \$1,980.00
for this violation. Licensee requested a hearing
and now wishes to enter into this settlement
agreement.

(1st Level Category III)

AGGRAVATION

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

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 the Category III violation is a 10-day license suspension or a \$1,650.00 civil penalty. Staff added two days of aggravation because the violation was personally committed by the licensee. Commission staff recommended a 12-day suspension or a civil penalty of \$1,980.00 for this violation.
3. The Commission will reduce the sanction by three days. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on August 16, 2021 **OR** serve a nine-day suspension beginning at 7:00 AM on August 23, 2021 and ending at 7:00 AM on September 1, 2021.
4. Licensee withdraws the request for a hearing.
5. 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 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 by the licensee.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 2021 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. Zeco Development Group, LLC
Ramzy Hattar, Mng Member
Shadi Hattar, Member
dba **RIVER PIG SALOON (F-COM)**
529 NW 13th
Portland, OR 97209

OAR 845-006-0345(1) - On or about April 2, 2020, Licensee R. Hattar and/or Licensee S. Hattar, drank an alcoholic beverage while on duty at the licensed premises, when they drank hard seltzer, tequila and/or beer during a time when they had put themselves on duty at the premises.

(1st Level Category III)

OAR 845-006-0345(12) - On or about April 2, 2020, Licensee and/or Licensee's employees, agents or representatives permitted Licensees R. Hattar and/or S. Hattar, and/or band members or other patrons to mix, dispense, or serve alcoholic beverage(s) to themselves for on-premises consumption.

(1st Level Category III)

Note: Licensee was charged with these violations by Amended Notice dated June 15, 2021. The total proposed sanction was a 28-day suspension or a civil penalty of \$4,620.00 for these violations. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added four days of aggravation because the violations involved more than one patron or employee, and four days of aggravation because the violations were personally committed by a licensee.

SYNOPSIS: Licensees held a "Zoom party" from their premises that included a live band, and Licensees and the band served themselves alcoholic beverages and consumed alcohol while on duty.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first and second Category III violations within two years, charged at the first level. Any subsequent 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 that licensee.
2. The standard sanction for these violations is a 10-day license suspension or a \$1,650.00 civil penalty each. Staff added four days of aggravation because the violations involved more than one patron or employee, and four days of aggravation because the violations were personally committed by a licensee.
3. Commission staff recommended a 28-day suspension or a civil penalty of \$4,620.00 for these violations.
4. The Commission will reduce the sanction by three days per violation. Licensee will either pay a \$3,630.00 civil penalty before 5:00 PM on August 16, 2021 **OR** serve a 22-day suspension beginning at 7:00 AM on August 23, 2021 and ending at 7:00 AM on September 14, 2021.
5. Licensee withdraws the request for a hearing.

(continue **RIVER PIG SALOON**)

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 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 by the licensee.
7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their July 2021 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.