

ADMINISTRATIVE POLICY & PROCESS DIVISION

June 18, 2020

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR VIOLATION CASES

1. Kamboj Retail, LLC
Gurmeet Mehrook, Member
dba **TOWN & COUNTRY MARKET 2 (O)**
1910 Redwood Ave
Grants Pass, OR 97527

ORS 471.410(1) – On or about July 14, 2019, at approximately 8:52 pm, Licensee’s employee, agent or representative Jessica Corry knowingly sold, gave or otherwise made available alcoholic beverages to a visibly intoxicated person, when she sold or made available two 12-packs of White Claw, an alcoholic beverage, to Amelia Martin.

Note: Licensee was charged with this violation by Notice dated April 28, 2020. The total proposed sanction was a 12-day suspension or a \$1,980.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the violation involved more than one patron.

(1st Level Category III)

SYNOPSIS: In following up on a serious accident in which Amelia Martin fell or jumped out the window of a moving vehicle while intoxicated, OLCC inspectors learned that about 10 minutes earlier, licensee’s employee sold alcohol to Martin’s companion while Martin was standing by his side, knowing that the sale was in reality to Martin using Martin’s money, and further knowing the Martin was visibly intoxicated. The alcoholic beverages that were sold were still unopened in the car after the accident and therefore did not directly contribute to Martin’s serious injuries.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category III violation within two years. Any subsequent Category III violation within the same two years will be charged at the second level.
2. The standard sanction for this violation is a 10-day suspension or a civil penalty of \$1,650.00. Staff added two days of aggravation because the violation involved more than one patron. The total proposed sanction was a 12-day suspension or a \$1,980.00 civil penalty.
3. The Commission will reduce the sanction by three days.
4. Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on July 15, 2020 **or** serve a nine-day suspension beginning at 7:00 AM on July 22, 2020 and ending at 7:00 AM on July 31, 2020.
5. 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 by the licensee.
6. This agreement is conditioned upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their June 2020 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. Nencar, Inc.
Rosa Membreno-Cardenas, Pres/Sec/Dir
Stockholder
Estate of Walter Cardenas, by Vladimir
Membreno, Pers Rep, Stockholder
dba **LOS ARCOS (F-COM)**
4120 Commerical St, SEt
Salem, OR 97302

OAR 845-006-0345(15) (2020) – On April 21,
2020 and/or for several weeks prior to that
date, Licensee and/or Licensee’s employees,
agents or representatives offered or allowed
consumption of alcoholic beverages on the
licensed premises in violation of Executive
Orders 20-07 and/or 20-14.

(1st Level Category II)

Note: Licensee was charged with this violation by Notice
dated May 19, 2020. The total proposed sanction
was a 34-day license suspension. Licensee wishes
to enter into this settlement agreement.

AGGRAVATION

Staff added four days of aggravation because the violation
involved more than one patron or employee, and because
the violation was repeated.

SYNOPSIS: Licensee violated the Governor’s Executive Orders that prohibited on-premises sales during the COVID emergency when, on April 21, 2020, and by admission of the manager, for several weeks prior to that time, it permitted its contractors to consume alcohol on the premises. There is no evidence that the premises was open to the general public.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category II violation. Any subsequent Category II violation within the same two years will be charged at the second level.
2. The standard sanction for this violation is a 30-day license suspension. Staff added four days of aggravation because the violation involved more than one patron or employee, and because the violation was repeated. The total proposed sanction was a 34-day license suspension.
3. The Commission will reduce the sanction by nine days and permit payment in lieu of suspension time. Licensee will pay a \$4,125.00 civil penalty before 5:00 PM on July 15, 2020 **or** serve a 25-day suspension beginning at 7:00 AM on July 22, 2020 and ending at 7:00 AM on August 16, 2020.
4. 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 a license by that licensee.
5. This agreement is conditioned upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their June 2020 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, Licensees waive 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. Old Vegas, LLC
Benjamin Artaiz, Managing Member
Jeremy Wilson, Member
dba **DONNIE VEGAS (F-COM)**
1203 NE Alberta Street
Portland, OR 97211

OAR 845-006-0345(1) – Licensee’s employees, agents, or representatives drank alcoholic beverages while on duty at the licensed premises: Avery Steen, on or about March 4, 2019 and March 16, 2019, and Brian Wilbert, on or about March 16, 2019.

Note: Licensee was charged with these violations by Notice dated January 28, 2020. The total proposed sanction was a 73-day suspension or an \$11,385.00 civil penalty in lieu of 69 days, with four days of the suspension mandatory. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(2nd Level Category III)

OAR 845-006-0345(11)(a)(F) - On or about March 4, 2019, Licensee’s employee, agent, or representative Brian Wilbert dispensed, poured, or otherwise served an alcoholic beverage directly into a person’s mouth with a punctured alcoholic beverage can.

AGGRAVATION

Staff added four days of aggravation because Violation Number One was repeated and involved more than one employee. Staff added two days of aggravation because the violation involved more than one employee or patron.

(2nd Level Category III)

OAR 845-006-0425(1) - On or about March 16, 2019, Licensee’s employees, agents, or representatives Avery Steen and Brian Wilbert permitted alcoholic liquor to be sold, dispensed, served, or consumed on the licensed premises between the hours of 2:30 am and 7:00 am.

(1st Level Category IV)

SYNOPSIS: Inspector observation at the premises and review of video surveillance revealed several violations at this premises, including employees drinking alcoholic beverages on duty and drinking alcoholic beverages on the premises after 2:30 am. Additionally, one employee was observed pouring an alcoholic beverage directly into a patron’s mouth from a punctured beer can.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. Violations Number One and Number Two were Licensee’s second and third Category III violations within two years. Both were charged at the second level. Any subsequent Category III violation within the same two years will be charged at the third level. Violation Number Three was Licensee’s first Category IV violation within two years. Any subsequent Category IV violation within the same two years will be charged at the second level.

(continue **DONNIE VEGAS (F-COM)**)

2. The standard sanction for Violations Number One and Number Two is a 30-day suspension or a \$4,950.00 civil penalty for each. Staff added four days of aggravation because Violation Number One was repeated and involved more than one employee.
3. The standard sanction for Violation Number Three is a seven-day suspension or a \$1,155.00 civil penalty. Staff added two days of aggravation because the violation involved more than one employee or patron.
4. The total proposed sanction was a 73-day suspension. Licensee could pay an \$11,385.00 civil penalty in lieu of 69 days, with four days of the suspension mandatory.
5. The Commission will reduce the sanction by 20 days.
6. Licensee will pay an \$8,745.00 civil penalty before 5:00 PM on July 15, 2020, **OR** serve a 53-day suspension.
7. Notwithstanding paragraph 6, Licensee may offset against the 53-day suspension the number of days during which its on-premises privileges are preempted by operation of the Governor's Executive Order 20-07, and/or 20-14.
8. Licensee withdraws the request for a hearing.
9. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegation, the licensee agrees to accept a Letter of Reprimand for the violations. 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.
10. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their June 2020 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.