

ADMINISTRATIVE HEARINGS DIVISION

April 8, 2021

STIPULATED SETTLEMENT AGREEMENTS FOR MARIJUANA VIOLATION CASES

1. Haramkhor, LLC
Krishna Kumar, Member
dba **NEBULA CANNABIS**
11605 SE Powell Blvd.
Portland, OR 97266

OAR 845-025-8520(4)(a) On or about June 6, 2019, Licensee’s employee, agent, or representative Ciara Bartlett-Stark consumed an intoxicating substance, marijuana, while on duty, other than as allowed under OAR 845-025-1230(6)(b), when she smoked marijuana in her car in the premises parking lot on her break and then returned to work at the premises.

Note: Licensee was charged with this violation by Notice dated August 18, 2020. Licensee originally requested a hearing and now wishes to enter into this settlement agreement.

(Retail)

(1st Category III)

SYNOPSIS: Employee, Ciara Bartlett-Stark, smoked marijuana while parked in her car on the licensed premises. She then returned to work in the premises.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the alternate violation as set out in the Notice. This was Licensee’s first Category III violation within a two year period. Any subsequent Category III violation within the same two year period 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 this violation is a 10-day license suspension or a civil penalty of \$1,650.00.
3. The Commission will reduce the sanction by three days.
4. Licensee will pay a civil penalty of \$1,155.00 before 5:00 PM on May 17, 2021, OR serve a seven-day suspension beginning at 12:00 noon on May 22, 2021 and ending at 12:00 noon on May 29, 2021.
5. The primary violation is dismissed.
6. Licensee withdraws the request for hearing.

(continue **NEBULA CANNABIS**)

7. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegations, 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 or permit by the licensee.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their April 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. Alternative Solutions 1, Inc.
Donald VanWormer, Pres/Dir/
Stkhldr
Brenda Lingle, Sec/Dir
dba **ALTERNATIVE SOLUTIONS**
13560 SE Powell Blvd
Portland, OR 97236

OAR 845-025-2890(1), (3) (3) (12/28/2017 and thereafter); former OAR 845-025-2890 (1), (2) (prior to 12/28/2017). From about May 31, 2017 to the present, Licensee and/or its employees, agents or representatives failed to remit the tax imposed on a consumer under ORS 475B.705 to the Oregon Department of Revenue (DOR), by failing to timely pay the marijuana tax due in accordance with DOR's rules. Marijuana tax must be paid in three monthly deposits for each calendar quarter. OAR 150-475-2010(3). The first monthly deposit is due on or before the last day of the second month of the calendar quarter; the second monthly deposit is due on or before the last day of the third month of the calendar quarter; and the third monthly deposit is due on or before the last day of the month following the close of the calendar quarter.

Note: Licensee was charged with this violation by notice dated March 16, 2021. Licensee originally requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

This violation was aggravated by two days for repeated misconduct.

(Retail)

(2nd Level Category III)

SYNOPSIS: This retailer was charged with failure to timely remit taxes in compliance with DOR rules. The tax issue involves late payments, not failure to pay, and Licensee accepts responsibility for this violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's third Category III violation, charged at the second level. Any subsequent Category III violation within the same two years will be charged at the third 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 a second-level Category III violation is a 30-day license suspension or a civil penalty of \$4,950.00. This violation was aggravated by two days for repeated misconduct.
3. Commission staff recommended a 32-day suspension, with the option to pay \$4,950.00 in lieu of 30 days, and the remaining two days mandatory.
4. Licensee will pay a \$5,280.00 civil penalty before 5:00 PM on May 17, 2021 **or** serve a 32-day suspension beginning at 12:00 PM (noon) on May 24, 2021 and ending at 12:00 PM (noon) on June 25, 2021.
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 the 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 or permit by that licensee.
7. This agreement is conditioned upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their April 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.

3. Grizzilla Farms, LLC
Mark Aguilar, Manager/Member
dba **GRIZZILLA FARMS**

(Producer)

OAR 845-025-2020(2) - On or before October 3, 2019, Licensee operated other than as the license permits in OAR 845-025-2020(1) when Licensee or Licensee's employees, agents, or representatives transferred, transported, or delivered approximately 250 marijuana plants to an unlicensed premises (397 Talbot Road, Jefferson, Oregon).

(Category I)

OAR 845-025-7700(3)(c) - On or before October 3, 2019, Licensee or Licensee's employees, agents, or representatives failed to use the METRC Cannabis Tracking System to generate a printed transport manifest that accompanied every transport of marijuana items, including the transport of marijuana plants found at 397 Talbot Road.

(1st Level Category III)

Note: Licensee was charged with these violations by Second Amended Notice dated January 5, 2021. Staff proposed the standard sanction of license cancellation and seizure and destruction of marijuana items for these violations. Licensee requested a hearing and now wishes to enter into this settlement agreement.

SYNOPSIS:

Licensee harvested approximately 250 marijuana plants after a possible pesticide spray. The harvest occurred without notice to the OLCC. The plants were transported without a manifest to a non-OLCC licensed site. The harvest and transport were discovered through a routine inspection rather than being disclosed. Licensee now wishes to sell the business and surrender the license.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. This was Licensee's first Category I violation. This was Licensee's first Category III violation within a two year period. 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. Commission staff proposed for these violations the standard sanction of license cancellation.
3. Licensee has begun the process of selling the business. Licensee will surrender its marijuana producer license on the date the transfer of ownership of the business is completed or at 7:00 AM on July 30, 2021, whichever is earlier.
4. Licensee understands and agrees that the Commission is not representing or guaranteeing that a new owner will be licensable or will have an approved license on or before the date of surrender. Licensee understands and agrees that any purchaser 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.
5. Licensee withdraws the request for hearing.

(continue **GRIZZILLA FARMS**)

6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegations, 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 or permit 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 April 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.