

ADMINISTRATIVE HEARINGS DIVISION

July 15, 2021

STIPULATED SETTLEMENT AGREEMENTS FOR MARIJUANA VIOLATION CASES

1. BM Productions, LLC
Daniel Shandy, Member
dba **BLACK MARKET PRODUCTIONS**

(Producer)

OAR 845-025-1450(2) (j).¹ – On or about April 4, 2019, Licensee and/or its employees, agents, or representatives failed to make video surveillance records and recordings available immediately upon request to the Commission when they were unable to access their off-site backup during the April 4, 2019 inspections, and were unable to demonstrate compliance with off-site backup requirements on May 7, 2019.

(1st Level Category II)

Note: Licensee was charged with this violation by Notice dated January 7, 2020. Licensee originally requested a hearing and now wishes to enter into this settlement agreement.

SYNOPSIS: During an inspection on April 4, 2019, Licensee was unable to access their security system to demonstrate camera coverage and stored video. The Inspector had to return to the premises over a month later, at which time the requested video was made available.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category II violation within two years. Any subsequent Category II 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 this violation is a 30-day license suspension.
3. The Commission will reduce the sanction to a 30-day license suspension or payment of a \$4,950.00 civil penalty.
4. Licensee will either pay a \$4,950.00 civil penalty before 5:00 PM on August 16, 2021 **OR** serve a 30-day suspension beginning at 12:00 PM (noon) on August 23, 2021 and ending at 12:00 PM (noon) on September 22, 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 these allegations, the licensee agrees

¹ All citations are to rules and penalties in effect at the time of the incident in question. This rule was subsequently renumbered as OAR 845-025-1450(2)(i).

(Continue **BLACK MARKET PRODUCTIONS**)

to accept a Letter of Reprimand. 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 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 Tryke City, LLC
Bryan Grant, Member
Han Bao Liu, Member
PO Box 1248
Brookings, OR 97415
dba **TRYKE CITY**

(Retailer)

OAR 845-025-7540(1), (2) – Between about July 10, 2019 and September 23, 2020, Licensee failed to enter data into the METRC Cannabis Tracking System (CTS) that fully and transparently accounted for all inventory tracking activities as defined in OAR 845-025-1015(42), when Licensee and/or Licensee’s employees, agents, or representatives failed to finish multiple packages of marijuana items in their CTS inventory that had nothing in them, and/or when what was physically present in the store did not match the CTS records, and/or multiple items in the CTS inventory could not be located at the premises.

(2nd Level Category III)

Note: Licensee was charged with this violation by notice dated May 11, 2021. Licensee originally requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

This violation was aggravated for repeated misconduct.

SYNOPSIS: Licensee had ongoing issues with reconciling inventory in its CTS account. OLCC staff provided education and an opportunity to correct the issue, but inventory reconciliation issues persisted, resulting in this charge.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s third Category III violation within two years, 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 this second-level Category III violation is a 30-day license suspension, or a \$7,500.00 civil penalty. This violation was aggravated for repeated misconduct. The total proposed penalty was a 32-day suspension or a civil penalty of \$8,000.00.
3. The Commission will reduce the sanction by nine days.
4. Licensee will pay a \$5,750.00 civil penalty before 5:00 PM on August 16, 2021 **or** serve a 23-day suspension beginning at 12:00 PM (noon) on August 23, 2021 and ending at 12:00 PM (noon) on September 15, 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 this violation, 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 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 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.

3.Cathleen Huffine, Co-Licensee
Rick Dudley, Co-Licensee
dba **EXODUS WELLNESS CENTER**
16211 SE Powell Blvd
Portland, OR 97236

(Retailer)

OAR 845-025-2820(2).– On or about September 11, 2019, Licensee and/or its employees, agents or representatives failed to store marijuana items offered for sale in such a manner that the items were only accessible to authorized representatives until such time as the final sale to the consumer was completed, when Licensee’s employees, agents or representatives repeatedly allowed customers to handle jars of usable marijuana and/or other marijuana items prior to final sale, repeatedly left jars of marijuana and/or other marijuana items on the counter in reach of customers prior to final sale, and/or on several occasions left jars of marijuana and/or other marijuana items in the custody of customers prior to final sale and walked away.

(1st Level Category III)

ORS 475B.261(2), OAR 845-025-5500(4).– On or before September 11, 2019, Licensee and/or its employees, agents, or representatives failed to verify that employee Alex Lewis had a valid marijuana worker permit before allowing Alex Lewis to perform any work of the kind described in ORS 475B.261(1) and/or OAR 845-025-5500(1).

(1st Level Category III)

OAR 845-025-2800(3)(i).²– On or about September 11, 2019, Licensee and/or its employees, agents or representatives handled unpackaged marijuana items without the use of protective gloves, tools, or instruments that prevented the marijuana items from coming into contact with the licensed representative’s skin, when Licensee’s employee Alex Lewis reached barehanded into a jar of marijuana buds and removed some for his own personal use.

(1st Level Category III)

Note: Licensee was charged with these violations by notice dated June 15, 2021. Licensee originally requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Violations Number One and Number Four were aggravated for repeated misconduct, and for involvement of more than one customer or employee

² This rule has since been renumbered as OAR 845-025-2800(4) (j).

(Continue **EXODUS WELLNESS CENTER**)

OAR 845-025-8520(2).– On or about September 11, 2019, Licensee and/or its employees, agents or representatives failed to require persons to produce identification as required by ORS 475B.216 before selling or providing one or more marijuana items to those persons, when Licensee’s employees Mark Schenk, Alex Lewis, and/or Collin Phillips repeatedly sold or provided marijuana items to consumers without checking identification.

(1st Level Category IV)

SYNOPSIS: Investigation into an unrelated matter disclosed violations for failing to check consumer identification, properly securing and handling marijuana, and ensuring an employee had a valid worker permit.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee’s first, second, and third Category III violations within two years, charged at the first level, and first Category IV violation within two years. Any subsequent Category III or Category IV violations 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 each Category III violation charged at the first level is a 10-day license suspension or a \$1,650.00 civil penalty. The standard sanction for the Category IV violation is a seven-day license suspension or a \$1,155.00 civil penalty. Violations Number One and Number Four were aggravated for repeated misconduct, and for involvement of more than one customer or employee.
3. Staff recommended a 45-day license suspension or a civil penalty of \$7,425.00.
4. The Commission will reduce the sanction for Violations Number One, Number Two, and Number Three by three days each. The Commission will reduce the sanction for Violation Number Four by two days.
5. Licensee will either pay a \$5,610.00 civil penalty before 5:00 PM on August 16, 2021 **OR** serve a 34-day suspension beginning at 12:00 PM (noon) on August 23, 2021 and ending at 12:00 PM (noon) on September 26, 2021.
6. Licensee withdraws its Request for Hearing in this matter.
7. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on these allegations, the licensee agrees to accept a Letter of Reprimand. 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.
8. This agreement is conditioned 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

(Continue **EXODUS WELLNESS CENTER**)

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. **MARK SCHENK**

(Worker Permit # 25N0Y7)

Exodus Wellness Center (Ret)
16211 SE Powell Blvd
Portland, OR 97236

OAR 845-025-2820(2). On or about September 11, 2019, Permittee failed to store marijuana items offered for sale in such a manner that the items were only accessible to authorized representatives until such time as the final sale to the consumer was completed, when Permittee repeatedly allowed customers to handle jars of usable marijuana and/or other marijuana items prior to final sale, repeatedly left jars of marijuana and/or other marijuana items on the counter in reach of customers prior to final sale, and/or on several occasions left jars of marijuana and/or other marijuana items in the custody of customers prior to final sale and walked away.

(1st Level Category III)

OAR 845-025-8520(2) - On or about September 11, 2019, at approximately 13:25, Permittee failed to require a person to produce identification as required by ORS 475B.216 before selling or providing one or more marijuana items to the person, when Permittee sold or provided one or more marijuana items to a customer without checking identification.

(1st Level Category IV)

Note:Permittee was charged with these violations by an Amended Notice dated June 15, 2021. Permittee originally requested a hearing and now wishes to enter into this settlement agreement. \

AGGRAVATION

Violation Number One aggravated for repeated misconduct.

SYNOPSIS: Budtender at Exodus Wellness Center was charged with leaving product untended on the counter, and failing to require production of identification prior to sale of marijuana items.

TERMS OF AGREEMENT

1. Permittee accepts responsibility for the violations as set out in the Notice. These were Permittee’s first Category III and Category IV violations. Any subsequent Category III or Category IV violations within the same two years will be charged at the second level. These violations will become a permanent part of Permittee’s Commission file and may be considered in any future application for any license or permit by Permittee.
2. The standard sanction for the Category III violation is a 10-day permit suspension or a \$250.00 civil penalty. The standard sanction for the Category IV violation is a seven-day permit suspension or a \$175.00 civil penalty. Violation Number One was aggravated for repeated misconduct.
3. Commission staff recommended a 19-day permit suspension or a civil penalty of \$475.00.
4. The Commission will reduce the sanction for Violation Number One by three days, and for Violation Number Two by two days.
5. Permittee will pay a \$350.00 civil penalty before 5:00 PM on August 16, 2021 **or** serve a 14-day suspension beginning at 7:00 AM on August 23, 2021 and ending at 7:00 AM on September 6, 2021.

(continue. **MARK SCHENK**)

6. Permittee withdraws the request for hearing in this matter.
7. If Permittee's worker permit expires and is not renewed, or is surrendered before the Commission issues a final order on this allegation, 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.
8. This agreement is conditioned 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 Permittee's hearing rights 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.

5. Telos Consulting, LLC
Yaquun Liu, Member
dba **TELOS CONSULTING**

(Producer)

OAR 845-025-7540(1)(2), (4). On or about October 10, 2019 and about November 1, 2019, Licensee and/or Licensee's employees, agents, or representatives intentionally failed to enter data into CTS that fully and transparently accounted for all inventory tracking activities (as that term is defined in OAR 845-025-1015(38)), when on October 10, 2019 data was entered in CTS showing the creation of cultivation batches that were backdated to September 5, 2019 with the change of growth phase changing from clone to flowering in 10 days, backdated to September 15, 2019; and on November 1, 2019 when data was entered in CTS showing the creation of cultivation batches on August 1, 2019 and the destruction of those plants was backdated to October 22, 2019.

(Category I)

OAR 845-025-8540(1)(a), (b) - On October 16, 2019, Licensee and/or Licensee's employees, agents, or representatives intentionally made false statements or representations to the Commission in order to induce or prevent action or investigation by the Commission when Louis Collazo and Derek Williams told Inspectors J. Vargas and A. Del Pizzo that they had completed tagging all marijuana plants when in fact at least 50 untagged mature marijuana plants were observed on the premises and later Collazo and Williams stated that they had run out of UID tags after they tagged as many plants as they could.

(Category I)

OAR 845-025-1160(4)(a)(A)(B).- On or about April 1, 2020, Licensee and/or Licensee's employees, agents, or representatives failed to notify the Commission of a change to its corporate or ownership structure, or in who has a financial interest in the business, prior to making such a change when EEK, Inc. obtained an ownership and/or financial interest in the licensed business without prior Commission approval.

(Category I)

Note: Licensee was charged with these violations by Amended Notice dated March 10, 2021. The proposed sanction was license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Violation Number Two was aggravated because they were repeated.

(Continue **TELOS CONSULTING**)

SYNOPSIS: Multiple site visits uncovered widespread CTS and UID problems at the licensed premises, and further investigation showed that licensee had allowed a third party to obtain an ownership and/or financial interest in the licensed premises without notification or authorization by the Commission. Licensee has agreed to surrender the license and will sell the business to an individual or entity other than the one alleged to have obtained the unauthorized interest.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. Violation Numbers One, Two, and Three were Licensee's first through third Category I violations. 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 the standard sanction of license cancellation, seizure and destruction of marijuana items, and refusal to renew the license for these violations. Commission staff also proposed to aggravate the penalty because Violation Number Two was repeated.
3. Licensee has begun the process of selling the business. Licensee hereby surrenders its license effective on the date the transfer of ownership of the business is completed or at 12:00 PM on October 15, 2021, whichever is earlier. Licensee agrees that its license will not be renewed.
4. Licensee understands and agrees that the Commission is not representing or guaranteeing that a new owner will have an approved license on or before October 15, 2021. Licensee understands and agrees that any new owner 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 agrees, represents, and warrants that the business will not be sold to the entity and/or individuals alleged to have obtained an unapproved financial and/or ownership interest in the licensed business, namely EEK, Inc. or any officer, director, or stockholder thereof, or any parent, subsidiary, affiliate, or successor of EEK, Inc.
6. Each licensee agrees to accept a letter of reprimand for the violations specified above. This letter of 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. Licensee hereby relinquishes any and all interest in any marijuana items in its inventory that have not been transferred before the effective date of license surrender, and agrees that the Commission may seize and destroy any such marijuana items.
8. Licensee withdraws its request for hearing.
9. The terms of this Settlement Agreement and the Final Order entered based on this Agreement are binding on Licensee and any of its agents, employees, representatives, successors or assigns.
10. This agreement is conditioned 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. [fix if not fixed by accepting changes]

6. Bull Moon, Inc.
Thomas Ertel, Pres/Sec/Treas/Director
Tailed J, Inc., Stockholder
Thomas Ertel, Pres/Sec/Treas/Dir/Stkhldr
dba **BULL MOON**

(Producer)

OAR 845-025-2020(1)(d), (2)(a). On or about June 28, 2019, Licensee and/or Licensee's employees, agents, or representatives operated other than its license permits when it purchased or received approximately 240 mature marijuana plants from another licensed producer (Artisan Agriculture License No. 100315580DD).

(Category I)

OAR 845-025-7750(1)(b) On or before about July 9, 2019, Licensee and/or Licensee's employees, agents, or representatives failed to store marijuana waste in a secured receptacle in the possession of and under the control of the licensee when marijuana waste was disposed of in an unsecured dumpster outside the door to the premises..

(1st Level Category III)

Note: Licensee was charged with these violations by Notice issued on January 26, 2021. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff proposed to aggravate the penalty because Violation Number One was repeated.

SYNOPSIS: Producer-to-producer transfers of mature marijuana plants are prohibited. This licensee received 240 "immature" plants from another producer and changed them within seven hours of receipt to mature. Review of video disclosed that most of the plants were mature at the time of the transfer.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first Category I violation, and first Category III violation within two years. These violations will become a permanent part of each licensee's Commission file and may be considered in any pending or future application for any license or permit by that licensee.
2. The standard sanction for Violation Number One is cancellation. The standard sanction for Violation Number Two is a 10-day license suspension, or a \$1,650.00 civil penalty. Violation Number One was aggravated for repeated misconduct.
3. The above-referenced recreational marijuana license was surrendered, and the surrender was accepted by the Commission effective May 27, 2020. The proposed penalty was a Letter of Reprimand.
4. Licensee accepts a Letter of Reprimand for the violations as set forth in the Notice.
5. Licensee withdraws its Request for Hearing in this matter.
6. This agreement is conditioned 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

(Continue **BULL MOON**)

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.

7. P&E Green Solutions, LLC
Pedro Morales, Managing Member
dba **SOLSGREEN**

(Producer)

OAR 845-025-2040(4)(a), (5), (6). - On or about September 21, 2018, Licensee and/or Licensee's employees, agents, or representatives intentionally failed to maintain the Commission-approved canopy when Licensee utilized two unapproved greenhouses, a greenhouse being used other than approved, and when plants were grown in pots and in the ground in an unapproved area without obtaining prior written approval from the Commission.

(Category I)

OAR 845-025-1450(1)(a)(b).- On or about September 21, 2018, Licensee and/or Licensee's employees, agents, or representatives failed to ensure that there was 24 hour camera coverage for all areas of the licensed premises where mature marijuana plants, immature marijuana plants, and/or usable marijuana may be present, and at all points of ingress and egress to and from areas where mature marijuana plants, immature marijuana plants, and/or usable marijuana are present, when marijuana was cultivated in four greenhouses that lacked cameras.

(Category I)

OAR 845-025-1470(1)- On or about September 21, 2018, Licensee and/or Licensee's employees, agents, or representatives failed to effectively prevent public access to all areas of the licensed premises used in the production of marijuana when sections of fencing in the grow area were removed and when the fence lacked a lockable gate

(1st Level Category III)

OAR 845-025-1420(1), (2)(a) – On or about September 21, 2018, during hours when Licensee was not operating, Licensee and/or Licensee's employees, agents, or representatives failed to ensure that the licensed premises had a fully operational security alarm system, activated at all times when the licensed premises is closed for business, and/or that was able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area

Note: Licensee was charged with these violations by an Amended Notice dated April 27, 2021. The proposed sanction was license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

These violations were aggravated because there were three or more violations within a two-year period, regardless of the category, where the number of violations indicated a disregard for the law or failure to control the premises.

(Continue **SOLSGREEN**)

where mature marijuana plants, usable marijuana or products are present when missing fence sections prevented a location for the placement of the alarm system.

(2nd Level Category III)

OAR 845-025-1450(1) (a) – On or about September 17, 2020, Licensee, and/or its employees, agents, or representatives failed to have cameras that continuously recorded, 24 hours a day in all areas where mature marijuana plants, immature marijuana plants, and/or usable marijuana, may have been present on the licensed premises, when two large hoop houses lacking any camera coverage and obscuring existing camera coverage were constructed over four rows of marijuana plants.

(Category I)

OAR 845-025-2090(3), (5)(b) – On or about September 11, 2020, Licensee and/or its employees, agents, or failed to rescind a harvest notification for a scheduled harvest that did not occur within 24 hours of the harvest date identified in the harvest notice.

(1st Level Category IV)

OAR 845-025-1175(1), (2),(6)(c)– On or before September 17, 2020, Licensee and/or its employees, agents, or representatives made physical changes to the licensed premises that materially or substantially altered the licensed premises or the usage of the licensed premises from the plans originally approved by the Commission, when they added two large hoop houses without obtaining Commission approval.

(3rd Level Category III)

Continue **SOLSGREEN**)

SYNOPSIS: – An inspection in September 2018 and another in September 2020 uncovered multiple compliance issues, leading to three Category I violations and four other violations. There was a repeated lack of camera coverage in areas in which marijuana was present, which presented verification concerns. Licensee has surrendered its license, and accepts responsibility for the violations.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first, second, and third Category I violations, first, second, and third Category III violations, and first Category IV violation within two years. These violations were aggravated because there were three or more violations within a two-year period, regardless of the category, where the number of violations indicated a disregard for the law or failure to control the premises.
2. Commission staff proposed the standard sanction of license cancellation and seizure and destruction of marijuana items for these violations.
3. Licensee surrendered its license and surrender was accepted by the Commission effective April 9, 2021.
4. Each licensee agrees to accept a letter of reprimand for the violations as set out in the Notice. This letter of reprimand will become a permanent part of each licensee's Commission file and may be considered in any future or pending application for any license by the licensee.
5. Licensee withdraws its Request for Hearing in this matter.
6. This agreement is conditioned 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.