

ADMINISTRATIVE HEARINGS DIVISION

August 17, 2023

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR LICENSE APPLICANTS

1. John Henrys, LLC
Travis Holiday, Member
Joshua Rodriguez, Member
Adam Bouris, Member
dba **JOHN HENRYS**
881 Willamette St.
Eugene, Oregon 97401

ORS 471.313 states, in pertinent part:

The Commission may refuse to license any applicant under the provisions of this chapter if the Commission has reasonable ground to believe that any of the following to be true:

*****(4) That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.***

(d) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.***

(Renewal for F-COM)

Note: Licensee was issued a Notice of Proposed License Restriction (Notice), dated June 28, 2023. Licensee wishes to dispose of this licensing matter by settlement agreement, including the imposition of the listed restriction.

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 or service permit.

Staff proposed to renew the requested Full On-Premises Sales license subject to the following restriction:

Licensee Joshua Rodriguez shall abstain from the consumption of alcoholic beverages at all times.

SYNOPSIS: OLCC received a license renewal application from Applicant, John Henrys, LLC, for a Full On-Premises Sales license. Commission staff's investigation into the application found that a member of Applicant, Joshua Rodriguez, had convictions, specifically convictions for driving under the influence of intoxicants, that are related to his fitness to hold a license and a history or record of using alcohol or controlled substances to excess. These are both bases to refuse to renew the license unless the Applicant can overcome these refusal bases by intervening circumstances. Commission staff found there were sufficient intervening circumstances to overcome a refusal to renew with a license restriction which prohibits Joshua Rodriguez from consuming alcoholic beverages at all times.

(continue **JOHN HENRYS**)

TERMS OF AGREEMENT

1. The Commission will issue Applicant a Full On-Premises Sales license with the above-listed restriction for the above location after this agreement is ratified and after Staff determine that the application is complete.
2. Applicant accepts the imposition of the listed restriction on the license identified in this agreement without any conditions or reservations.
3. Applicant 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 the final approval of 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 Applicant's hearing rights, if any, will be restored. If the Commission accepts and approves this agreement in its entirety, Applicant withdraws any request for hearing.

2. Slice Pizzeria and Bar, LLC
Travis Holiday, Managing Mbr.
Joshua Rodriguez, Mbr.
dba **SLICE PIZZERIA AND BAR**
325 Blair Blvd.
Eugene, Oregon 97402

(Renewal for F-COM)

ORS 471.313 states, in pertinent part:

The Commission may refuse to license any applicant under the provisions of this chapter if the Commission has reasonable ground to believe that any of the following to be true:

*****⁽⁴⁾ That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.***

(d) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.***

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 or service permit.

Staff proposed to renew the requested Full On-Premises Sales license subject to the following restriction:

Licensee Joshua Rodriguez shall abstain from the consumption of alcoholic beverages at all times.

SYNOPSIS: OLCC received a license renewal application from Applicant Slice Pizzeria and Bar, LLC for a Full On-Premises Sales license. Commission staff's investigation into the application found that a member of Applicant, Joshua Rodriguez, had convictions, specifically convictions for driving under the influence of intoxicants, that are related to his fitness to hold a license and a history or record of using alcohol or controlled substances to excess. These are both bases to refuse to renew the license unless the Applicant can overcome these refusal bases by intervening circumstances. Commission staff found there were sufficient intervening circumstances to overcome a refusal to renew with a license restriction which prohibits Joshua Rodriguez from consuming alcoholic beverages at all times.

TERMS OF AGREEMENT

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

Note: Licensee was issued a Notice of Proposed License Restriction (Notice), dated June 28, 2023. Licensee wishes to dispose of this licensing matter by settlement agreement, including the imposition of the listed restriction.

(continue **SLICE PIZZERIA AND BAR**)

2. Applicant accepts the imposition of the listed restriction on the license identified in this agreement without any conditions or reservations.
3. Applicant 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 the final approval of 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 Applicant's hearing rights, if any, will be restored. If the Commission accepts and approves this agreement in its entirety, Applicant withdraws any request for hearing.

3. Slice Pizzeria and Bar, LLC
Travis Holiday, Managing Mbr.
Joshua Rodriguez, Mbr.
dba **SLICE DOWNTOWN**
910 Willamette St.
Eugene, OR 97401

(New Appl. for F-COM)

ORS 471.313 states, in pertinent part:

The Commission may refuse to license any applicant under the provisions of this chapter if the Commission has reasonable ground to believe that any of the following to be true:

*******(4)** That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.***

(d) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.***

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 or service permit.

Staff proposed to issue the requested Full On-Premises Sales license with the following restriction:

Licensee Joshua Rodriguez shall abstain from the consumption of alcoholic beverages at all times.

Note: Licensee was issued a Notice of Proposed License Restriction (Notice), dated June 28, 2023. Licensee wishes to dispose of this licensing matter by settlement agreement, including the imposition of the listed restriction.

SYNOPSIS: OLCC received an application from Slice Pizzeria and Bar, LLC for a Full On-Premises Sales License for a new outlet. Commission staff's investigation into the application found that a member of Applicant, Joshua Rodriguez, had convictions, specifically convictions for driving under the influence of intoxicants, that are related to his fitness to hold a license and a history or record of using alcohol or controlled substances to excess. These are both bases to refuse to issue the license unless the Applicant can overcome these refusal bases by intervening circumstances. Commission staff found there were sufficient intervening circumstances to overcome a refusal to issue with a license restriction which prohibits Joshua Rodriguez from consuming alcoholic beverages at all times.

TERMS OF AGREEMENT

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

(continue **SLICE DOWNTOWN**)

2. Applicant accepts the imposition of the listed restriction on the license identified in this agreement without any conditions or reservations.
3. Applicant 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 the final approval of 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 Applicant's hearing rights, if any, will be restored. If the Commission accepts and approves this agreement in its entirety, Applicant withdraws any request for hearing.