

ADMINISTRATIVE HEARINGS DIVISION

December 15, 2022

STIPULATED SETTLEMENT AGREEMENT - LIQUOR VIOLATION CASES

1. Tio Pepe Mexican Restaurant, LLC  
Godolfredo Padilla Hernandez, Mng Mbr  
Irene Martinez Santiago, Member  
dba **TIO PEPE MEXICAN RESTAURANT (F-COM)**  
1041 River Rd  
Eugene, OR 97404

OAR 845-006-0335(1)(a)(b)(c) – On or about September 8, 2022, Licensee’s managing member, Godolfredo Padilla Hernandez, failed to verify the age of a minor, before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

Note: Licensee was charged with this violation by Notice dated November 8, 2022. The total proposed sanction for this violation is a 12-day license suspension or a civil penalty of \$3000.00. Licensee wishes to enter into this settlement agreement.

(1<sup>st</sup> Level Category II(b))

**AGGRAVATION**

Staff added two days aggravation because the violation was committed by Licensee.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged at the second level. This violation 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.
2. The standard sanction for this violation is a 10-day suspension or a civil penalty of \$2,500.00. Commission staff added two days aggravation because the violation was committed by Licensee Godolfredo Padilla Hernandez. The total proposed penalty was a 12-day license suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on January 17, 2023 **OR** serve a nine-day suspension beginning at 7:00 AM on January 24, 2023 and ending at 7:00 AM on February 2, 2023.
5. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on this incident, 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 any license or permit by the licensee.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their December 2022 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. Three Rivers Grill, Inc.  
James Dey, Pres/Dir/Stkhldr  
Courtenay Dey, VP/Sec/Dir/Stkhldr  
dba **THREE RIVERS GRILL (F-COM)**  
601 Oak Street  
Hood River, OR 97031

ORS 471.360(1)(a) and (b) – From about October 10, 2021 to about December 23, 2021, Licensee permitted its employee, agent, or representative G. Krause to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

Note: Licensee was charged with this violation by Notice dated October 18, 2022. The total proposed penalty was a 23-day license suspension or a \$3,795.00 civil penalty. Licensee wishes to enter into this settlement agreement.

(1<sup>st</sup> Level Category III)

OAR 845-006-0335(4)(b) - From about October 10, 2021 to about December 23, 2021, Licensee and/or Licensee's employees, agents, or representatives permitted G. Krause, a minor employee, to be in an area of the licensed premises prohibited to minors under a #2 Minor Posting for the purpose of mixing, selling, or serving alcoholic beverages.

**AGGRAVATION**  
Staff added six days of aggravation because these violations involved a juvenile and because Violation Number Two was repeated.

(1<sup>st</sup> Level Category IV)

**SYNOPSIS:** – Employee G. Krause was found to be selling / serving alcohol without a valid service permit. While following up on the investigation, the inspector discovered that Ms. Krause was unable to obtain a permit because she was only 17 years old. The establishment has a #2 Minor Posting that prohibited minors from being in the area where Ms. Krause was found to be selling or serving alcoholic beverages.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violations as set out in the Notice. This was Licensee's first Category III 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 Violation Number One is a 10-day suspension or a \$1,650.00 civil penalty. The standard sanction for Violation Number Two is a seven-day suspension or \$1,155.00 civil penalty. Commission staff added six days of aggravation because these violations involved a juvenile and because Violation Number Two was repeated. The total proposed sanction was a 23-day suspension or a civil penalty of \$3,795.00.
3. The Commission will reduce the sanction for Violation Number One by three days. The Commission will reduce the sanction for Violation Number Two by two days. Licensee will either pay a \$2,970.00 civil penalty before 5:00 PM on January 17, 2023, **OR** serve an 18-day suspension beginning at 7:00 AM on January 24, 2023 and ending at 7:00 AM on February 11, 2023.

(continued **THREE RIVERS GRILL**)

4. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on this incident, 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 any license by the licensee.
5. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their December 2022 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.