

ADMINISTRATIVE HEARINGS DIVISION

June 15, 2023

**STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES**

1. Bangers and Brews, LLC  
Rubens Garcia, Managing Member  
dba **BANGERS & BREWS (L)**  
1288 SW Simpson Ave, Suite A  
Bend, OR 97702

OAR 845-006-0335(1)(a)(b)(c) – On or about November 2, 2022, Licensee’s employee, agent, or representative Sara Mclean failed to verify the age of a minor, before allowing her to buy or be served an alcoholic beverage, when she reasonably appeared to be under 26 years of age.

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

ORS 471.360(1)(a) and (b) - On the dates indicated below, Licensee permitted employees, agents, or representatives listed below to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission. Sara Mclean, from about April 30, 2022 to November 2, 2022 and Marcelo Garcia from about March 7, 2021 to November 2, 2022.

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

Note: Licensee was charged with these violations by Notice dated March 29, 2023. The total proposed sanction was a 26-day suspension or a \$5,140.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

**AGGRAVATION**

Staff added six days of aggravation because Violation Number Two involved more than one employee, and both employees worked without a permit for more than six months

**SYNOPSIS:** While conducting a Minor Decoy Operation, inspectors discovered two employees working without services permits. Both Manager Marcelo Garcia and Sara Mclean, who served the minor decoy, had been working without a service permit for over six months.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for Violations Number One and Number Two as set out in the Notice. Violation Number One was Licensee’s first Category II(b) violation. Violation Number Two was Licensee’s first Category III violation. Any subsequent Category II(b) or Category III violations within the same two years will be charged at the second level.
2. Commission Staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for Violation Number One and a 10-day suspension or a civil penalty of \$1,650.00 for Violation Number Two. Commission staff proposed adding six days of aggravation because Violation Number Two involved more than one employee, and both employees worked without a permit for more than six months. The total proposed sanction was a 26-day suspension or a \$5,140.00 civil penalty.

(continue **BANGERS & BREWS**)

3. Licensee will have the option to install age verification equipment (AVE) by July 1, 2023. In the event Licensee installs AVE, Licensee will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. All alcohol sales will be run through registers at which age verification equipment is installed. Installation of age verification equipment that meet all standards set forth in this agreement and in OAR 845-009-0140(2) is done in lieu of 10 days of the suspension or \$2,500.00 of the civil penalty.
4. The Commission will reduce the sanction for Violation Number Two by three days.
5. If AVE is installed by July 1, 2023 and certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by July 10, 2023, Licensee will pay a \$2,145.00 civil penalty before 5:00 PM on July 15, 2023 **or** serve a 13-day suspension beginning at 7:00 AM on July 22, 2023 and ending at 7:00 AM on August 4, 2023.
6. If AVE is not installed by July 1, 2023, or AVE that meets all the standards identified in OAR 845-009-0140(2) is not in use by July 10, 2023, Licensee will pay a \$4,645.00 civil penalty before 5:00 PM on July 15, 2023 **or** serve a 23-day suspension beginning at 7:00 AM on July 22, 2023 and ending at 7:00 AM on August 14, 2023.
7. Licensee understands that it is eligible for a credit for installation of AVE only one time, that the equipment is expected to remain in good order, and that the equipment must be used for as long as Licensee has a liquor license at this premises. Licensee understands that failure to use the equipment, whether by human error or malfunction, in future violations may result in increased penalties and, if applicable, removal from the Responsible Vendor Program.
8. Licensee withdraws the request for hearing.
9. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these allegations, that licensee agrees to accept a Letter of Reprimand for these 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 that licensee.
10. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their June 2023 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. Big Sky Hospitality, Inc.  
John Erickson, Pres/Sec/Dir/Stkhldr  
dba **HAYDEN BRIDGE DELI (L)**  
2454 10<sup>th</sup> Street  
Springfield, OR 97477

OAR 845-006-0335(1)(a)(b)(c) – On or about November 10, 2022, Licensee’s employee, agent, or representative Pamela Feltz 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 these violations by Notice dated April 12, 2023. The total proposed sanction was a 22-day suspension or a \$4,480.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

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

ORS 471.360(1)(a) and (b) - From about February 10, 2022 to about November 10, 2022, Licensee permitted its employee, agent, or representative Pamela Feltz to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

**AGGRAVATION**  
Staff added two days of aggravation because Violation Number Two involved an employee that worked without a permit for more than six months.

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

**SYNOPSIS:** While conducting a Minor Decoy Operation, inspectors discovered that Pamela Feltz, the employee who served the minor decoy, did not have a service permit and had not had one for more than six months.

**TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violations as set out in the Notice. Violation Number One was Licensee’s first Category II(b) violation. Violation Number Two was Licensee’s first Category III violation. Any subsequent Category II(b) or Category III violation within the same two years will be charged at the second level.
2. Commission Staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for Violation Number One, and a 10-day suspension or a civil penalty of \$1,650.00 for Violation Number Two. Commission staff added two days of aggravation because Violation Number Two involved an employee that worked without a permit for more than six months. The total proposed sanction was a 22-day suspension or a \$4,480.00 civil penalty.
3. Licensee will have the option to install age verification equipment (AVE) by July 1, 2023. In the event Licensee installs AVE, Licensee will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. All alcohol sales will be run through registers at which age verification equipment is installed. Installation of age verification equipment that meets all standards set forth in this agreement and in OAR 845-009-0140(2) is done in lieu of 10 days of the suspension or \$2,500.00 of the civil penalty.
4. The Commission will reduce the sanction for Violation Number Two by three days.

(Continue **HAYDEN BRIDGE DELI**)

5. If AVE is installed by July 1, 2023 and certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by July 10, 2023, Licensee will pay a \$1,485.00 civil penalty before 5:00 PM on July 17, 2023 **or** serve a nine-day suspension beginning at 7:00 AM on July 24, 2023 and ending at 7:00 AM on August 2, 2023.
6. If AVE is not installed by July 1, 2023, or AVE that meets all the standards identified in OAR 845-009-0140(2) is not in use by July 10, 2023, Licensee will pay a \$3,985.00 civil penalty before 5:00 PM on July 17, 2023 **or** serve a 19-day suspension beginning at 7:00 AM on July 24, 2023 and ending at 7:00 AM on August 12, 2023.
7. Licensee understands that it is eligible for a credit for installation of AVE only one time, that the equipment is expected to remain in good order, and that the equipment must be used for as long as Licensee has a liquor license at this premises. Licensee understands that failure to use the equipment, whether by human error or malfunction, in future violations may result in increased penalties and, if applicable, removal from the Responsible Vendor Program.
8. Licensee withdraws the request for hearing.
9. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these allegations, that licensee agrees to accept a Letter of Reprimand for these 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 that licensee.
10. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their June 2023 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. El Patron Mexican Restaurant, LLC  
Juan Rodriguez Diaz, Member<sup>1</sup>  
dba **EL PATRON MEXICAN  
RESTAURANT (F-COM)**  
547 Ivy St  
Junction City, OR 97448

OAR 845-006-0335(1)(a)(b)(c) – On or about  
January 13, 2023, Licensee’s member, Juan  
Rodriquez Diaz, 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 these violations by  
Notice dated March 21, 2023. The total proposed  
penalty was a 44-day suspension, with the option  
to pay a \$7,950.00 civil penalty in lieu of 42 days,  
with the remaining two days mandatory. Licensee  
wishes to enter into this settlement agreement.

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

OAR 845-006-0335(1)(a)(b)(c) - On or about  
February 24, 2023, Licensee’s member, Juan  
Rodriquez Diaz, 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.

**AGGRAVATION**  
Staff added two days of aggravation to each violation  
because they were personally committed by the licensee.

(2<sup>nd</sup> Level Category II(b))

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee’s first and second Category II(b) violations within two years. Any subsequent Category II(b) violation within the same two years will be charged at the third level.
2. Commission staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for Violation Number One, and a 30-day suspension or a civil penalty of \$4,950.00 for Violation Number Two. Staff added two days of aggravation to each violation because they were personally committed by the licensee. The total proposed sanction was a 44-day suspension, with the option to pay a \$7,950.00 civil penalty in lieu of 42 days, with the remaining two days mandatory.
3. The Commission will reduce the penalty for Violation Number One by the standard AVE offset if the terms herein are met, or if not, by five days. The Commission will reduce the penalty for Violation Number Two by 15 days.
4. Licensee will have the option to install age verification equipment (AVE) by July 1, 2023. In the event Licensee installs AVE, Licensee will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. All alcohol sales will be run through registers at which age verification equipment is installed. Installation of age verification equipment that meets all standards set forth in this agreement and in OAR 845-009-0140(2) is done in lieu of 10 days of the suspension or \$2,500.00 of the civil penalty for Violation Number One.

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<sup>1</sup> A scrivener’s error spelled Licensee’s name “Juan Rodriquez Diaz” in the Notice. That is corrected here.

(Continue **EL PATRON MEXICAN RESTAURANT**)

5. If AVE is installed as stated above and certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by July 10, 2023, Licensee will pay a \$3,305.00 civil penalty before 5:00 PM on July 17, 2023 **or** serve a 19-day suspension beginning at 7:00 AM on July 24, 2023 and ending at 7:00 AM on August 12, 2023.
6. If age verification equipment is not installed by July 1, 2023 or certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by July 10, 2023, then Licensee will pay a \$4,805.00 civil penalty before 5:00 PM on July 17, 2023 **or** serve a 25-day suspension beginning at 7:00 AM on July 24, 2023 and ending at 7:00 AM on August 18, 2023.
7. Licensee understands that it is eligible for a credit for installation of AVE only one time, that the equipment is expected to remain in good order, and that the equipment must be used for as long as Licensee has a liquor license at this premises. Licensee understands that failure to use the equipment, whether by human error or malfunction, in future violations, may result in increased penalties and, if applicable, removal from the Responsible Vendor Program.
8. 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 or permit by that licensee.
9. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their June 2023 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.

4. Susan Countryman  
James Skewes  
dba **MILLTOWN PUB**  
1405 Mill Street  
Silverton, OR 97381

OAR 845-006-0345(1) – On or about July 6, 2022, Licensee’s employee, agent, or representative Graham Russo drank one or more alcoholic beverages for reasons other than for educational or quality testing purposes while on duty.

Note: Licensee was charged with these violations by Notice dated March 21, 2023. The total proposed penalty was a 24-day license suspension or a civil penalty of \$3,960.00. Licensee requested a hearing and now wishes to enter into this settlement agreement.

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

OAR 845-006-0345(12) - On or about July 6, 2022, Licensee permitted its employee, agent, or representative Graham Russo to dispense or serve alcoholic beverages for himself for on-premises consumption.

**AGGRAVATION**  
Staff added four days of aggravation because the violations were repeated.

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

**SYNOPSIS:** OLCC Inspector responded to a complaint about Permittee Graham Russo drinking and being intoxicated while on duty on July 6, 2022. During an interview with the inspectors, Permittee admitted to self-serving and drinking several shots of alcoholic liquor while working that night. .

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for Violations Number One and Number Two as set out in the Notice. These were Licensee’s first and second Category III violations 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 a Category III violation is a 10-day license suspension or a \$1,650.00 civil penalty for the first violation of this type within two years, and a 30-day license suspension or a \$4,950.00 civil penalty for the second violation of this type within two years. Commission staff charged Violations Number One and Number Two at the first level because they were discovered concurrently. Commission staff added four days of aggravation because the violations were repeated. The total proposed penalty was a 24-day license suspension or a civil penalty of \$3,960.00.
3. The Commission will reduce the sanction for Violations Number One and Number Two by three days each.
4. Licensee will either pay a \$2,970.00 civil penalty before 5:00 PM on July 17, 2023 **OR** serve an 18-day suspension beginning at 7:00 AM on July 24, 2023 and ending at 7:00 AM on August 11, 2023.
5. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on these allegations, that licensee agrees to accept a Letter of Reprimand for these 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 that licensee.

(Continue **MILLTOWN PUB**)

6. Licensee withdraws the request for a hearing.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their June 2023 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