

ADMINISTRATIVE HEARINGS DIVISION

March 16, 2023

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

1. Gabriel Cazarez
dba **BUNKHOUSE**
RESTAURANT (F-COM)
36315 Hwy 101
Nehalem, OR 97131

ORS 471.360(1)(a) and (b) – From about January 31, 2021 to about June 8, 2022, Licensee permitted its employee, agent, or representative Debra Laws to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(1st Level Category III)

Note: Licensee was charged with this violation by Notice dated December 6, 2022. The total proposed sanction was a 12-day license suspension or a \$1,980.00 civil penalty for the violation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation to the penalty because the employee worked without a valid service permit for more than six months.

SYNOPSIS: Service permit violation discovered during routine compliance visit. The employee was hired without a service permit and served without one at the premises for over six months. The employee reported taking the alcohol education course but, did not know she needed to obtain a service permit. Licensee was informed and the employee applied for a permit shortly thereafter.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category III violation within two years. Any subsequent Category III 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. Commission staff originally proposed the standard sanction of a 10-day license suspension or \$1,650.00 civil penalty. Staff added two days of aggravation to the penalty because the employee worked without a valid service permit for more than six months. Commission staff recommended a 12-day license suspension or a \$1,980.00 civil penalty for the violation.
3. The Commission will reduce the sanction by three days.
4. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on April 17, 2023, **OR** serve a 9-day suspension beginning at 7:00 AM on April 24, 2023 and ending at 7:00 AM on May 3, 2023.
5. Licensee withdraws the request for hearing.
6. If a licensee’s interest in the license expires or is transferred before the Commission issues a final order on these incidents, 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 by the licensee.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their March 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. Shin, LLC
Yuen Geun Shin, Member
Mi Ok Shin, Member
dba **DAVID MARKET (O)**
703 N. Deskins St.
Newberg, OR 97132

OAR 845-006-0335(1)(a)(b)(c) – On or about September 22, 2022, Licensee Mi Ok Shin 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.

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice dated January 24, 2023. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the violation was personally committed by Licensee Mi Ok Shin.

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 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 suspension or a \$2,500.00 civil penalty. Commission staff added two days of aggravation because the violation was personally committed by Licensee Mi Ok Shin. The total proposed sanction was a 12-day suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will pay a \$2,250.00 civil penalty before 5:00 PM on April 17, 2023 **or** serve a nine-day license suspension beginning at 7:00 AM on April 24, 2023 and ending at 7:00 AM on May 3, 2023.
5. 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.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their March 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. Putri Ayu, LLC
Aris Widiatnoko, Managing Member
Elizabeth Widiatnoko, Member
dba **ODD MOE'S PIZZA (O)**
2515 Portland Rd #300
Newberg, OR 97132

OAR 845-006-0335(1)(a)(b)(c) – On or about September 22, 2022, Licensee’s employee, agent, or representative Tatia Praditsi 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 December 28, 2022. The total proposed penalty was a 40-day license suspension or a \$7,450.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(1st Level Category II(b))

OAR 845-006-0335(1)(a)(b)(c) - On or about November 5, 2022, Licensee’s employee, agent, or representative Charlotte Cook 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.

(2nd Level Category II(b))

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 within two years. Violation Number Two was Licensee’s second Category II(b) violation within two years. Any subsequent Category II(b) violation within the same two years will be charged at the third level.
2. The standard sanction for a Category II(b) violation is a 10-day license suspension or a \$2,500.00 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. The total proposed penalty was a 40-day license suspension or a \$7,450.00 civil penalty.
3. The Commission will reduce the penalty by 12 days.
4. Licensee will either pay a \$5,215.00 civil penalty before 5:00 PM on April 17, 2023 **OR** serve a 28-day suspension beginning at 7:00 AM on April 24, 2023 and ending at 7:00 AM on May 22, 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.
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 March 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.