

ADMINISTRATIVE HEARINGS DIVISION

May 18, 2023

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

1. Prospect Pizza Company, Inc.
Dennis Bjelland, Pres/Dir/Stkhldr
Eldon Johnson Jr., Sec/Dir/Stkhldr
dba **PROSPECT PIZZA COMPANY (L)**
51 Mill Creek Dr.
Prospect, OR 97536

OAR 845-006-0335(1)(a)(b)(c) – On or about November 2, 2022, Licensee Eldon Johnson Jr. 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.

Note: Licensee was charged with this violation by Notice dated March 7, 2023. The total proposed sanction was a 44-day suspension or a two-day suspension and \$7,950.00 civil penalty for the violations. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(1st Level Category II(b))

AGGRAVATION

OAR 845-006-0335(1)(a)(b)(c) - On or about January 19, 2023, Licensee Eldon Johnson Jr. failed to verify the age of a minor, before allowing him to buy or be served an alcoholic beverage, when he reasonably appeared to be under 26 years of age.

Staff added four days of aggravation to the penalty because these violations were personally committed by Licensee Eldon Johnson Jr.

(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. 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. 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 within two years, and a 30-day license suspension or a \$4,950.00 civil penalty for the second violation within two years. Commission staff added four days of aggravation because the violations were committed by Licensee Eldon Johnson. The total proposed penalty was a 44-day license suspension; Licensee had the option to pay a civil penalty of \$7,950.00 in lieu of 42 days, with the remaining two days mandatory.
3. The Commission will reduce the penalty for Violation Number One by three days, and for Violation Number Two by nine days, and allow payment in lieu of all remaining suspension days.
4. Licensee will either pay a \$6,045.00 civil penalty before 5:00 PM on June 15, 2023 **OR** serve a 32-day suspension beginning at 7:00 AM on June 22, 2023 and ending at 7:00 AM on July 24, 2023.

(continue **PROSPECT PIZZA COMPANY**)

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 May 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. General Duffy's, LLC
Robertson & Price, LLC, Mng Member
Richard Robertson, Mng Member
Dave Price, Member
Doug Price, Member
Steve Price, Member
dba **GENERAL DUFFY'S WATER HOLE
(L)**
404 SW Forest Ave
Redmond, OR 97756

OAR 845-006-0335(1)(a)(b)(c) – On or about
November 3, 2022, Licensee's
employees, agents, or representatives
Brook Hewitt and Logan Wolfe 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 April 4, 2023. The total proposed sanction was a
10-day suspension or a \$3,000.00 civil penalty for the
violation.

AGGRAVATION

Staff added two days of aggravation to the penalty because
the violation involved more than one employee

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 involved more than one employee. 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 June 15, 2023 **or** serve a nine-day license suspension beginning at 7:00 AM on June 22, 2023 and ending at 7:00 AM on July 1, 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 May 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. Old Barn Tavern, LLC
Denise Sullivan, Managing Member
dba **THE OLD BARN TAVERN (F-COM)**
2039 Redwood Ave
Grants Pass, OR 97527

OAR 845-006-0500 – From about June 18, 2021 to March 18, 2022, There is a history of serious and persistent problems involving disturbances, unlawful activities or noise either in the licensed premises at 2039 Redwood Avenue, Grants Pass, Oregon, or involving patrons of the establishment in the immediate vicinity of the premises.

(1st Level Category I)

OAR 845-006-0335(3)(a)(A) – On or about January 1, 2022, Licensee and/or Licensee’s employees, agents, or representatives permitted a minor to drink alcoholic beverages on the licensed premises.

(1st Level Category III)

Note: Licensee was charged with this violation by Notice dated March 1, 2022. Licensee surrendered its license and the Commission accepted the surrender on April 6, 2022. Licensee agrees to accept a Letter of Reprimand on these violations. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff aggravated the sanction because of the number of violations alleged, regardless of category, indicate a disregard for the law or failure to control the premises.

SYNOPSIS: OLCC Inspectors were made aware of multiple incidents relating to the sales or services of alcohol on Licensee’s premises. An investigation into CAD narratives and police reports within a one-year period resulted in a history of serious and persistent problems charge for the premises including 20 incidents from June 2021 to March 2022. Of the 20 reported incidents, six were related to noise complaints and three were related to DUIIs. The Licensee was also charged with a single Category III violation for permitting a minor to drink on the licensed premises. Licensee surrendered its Full On-Premises Sales license and the surrender was accepted by the Commission effective April 6, 2022. The premises is currently operated by a new licensee with no affiliations to Licensee. With this settlement, the Licensee will receive a letter of reprimand which will document these compliance violations.

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 violations.
2. Commission staff originally proposed the standard sanction of license cancellation.
3. Licensee surrendered its Full On-Premises Sales license and the surrender was accepted by the Commission effective April 6, 2022.
4. Licensee withdraws the request for a hearing.

(continue **THE OLD BARN TAVERN**)

5. Licensee agrees to accept a Letter of Reprimand for these violations. This reprimand 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 the licensee.
6. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their May 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. McKenzie River Brewing Company, LLC
Adrian Benkovich, President
Walter Macbeth, Vice President, Manager
Christopher Wittman, Secretary
Jeff Agase, Manager
John Hare, Manager
Paul Verdu, Manager
Brad Schwartz, Manager
Molson Coors Beverage Company USA,
LLC, Managing Member
Gavin Hattersley, Co-President/Manager
Kevin Doyle, Co-President
Patrick Porter, Vice President/Treas
E. Lee Reichert, Secretary/Manager
Tracey Joubert, Manager
Molson Coors Beverage Company,
Managing Member
990 W 1st Avenue
Eugene, OR 97402
dba **HOP VALLEY BREWING
COMPANY**
980 Kruse Way
Springfield, OR 97477

OAR 845-006-0335(1)(a)(b)(c) – On or about
October 7, 2022, Licensee’s
employee, agent, or representative
Christopher Burton 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.

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice
dated January 4, 2023. The total proposed sanction
was a 10-day suspension or a \$2,500.00 civil penalty
for the violation. Licensee requested a hearing and
now wishes to enter into this settlement agreement.

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. Commission staff originally proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for this violation.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$1,750.00 civil penalty before 5:00 PM on June 15, 2023 OR serve a 7-day suspension beginning at 7:00 AM on June 22, 2023 and ending at 7:00 AM on June 29, 2023.
5. Licensee withdraws its Request for Hearing in this matter.

(continued **HOP VALLEY BREWING COMPANY**)

6. 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.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their May 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.