

ADMINISTRATIVE HEARINGS DIVISION

May 19, 2022

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR VIOLATION CASES

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| <p>1. BridgeTown BeerHouse, LLC
David Flores, Managing Member
Mychal Hoffman, Member
dba BRIDGETOWN BEERHOUSE (L)
915 N Shaver St
Portland, OR 97227</p> | <p>OAR 845-005-0400(1) – From about October 4, 2018 to about October 30, 2019, Licensee failed to maintain liquor liability insurance or a bond with a corporate surety authorized to transact business in this state in the amount of not less than \$300,000.00 for Bridgetown Beerhouse.</p> <p>(Category I)</p> | <p>Note Licensee was charged with this violation by Notice dated January 26, 2022. The standard sanction for this violation is license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.</p> |
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SYNOPSIS: Licensee’s lapse of liquor liability insurance (LLI) inadvertently occurred as a result of a prior business partner unexpectedly stepping away from the business in the middle of a partially complete transition between insurance companies. A new business entity was created to effectuate the prior partner’s withdrawal. The general liability insurance was successfully transferred but Licensee contends that the LLI went unnoticed. Licensee states that it believed its LLI premiums were included in the premiums it was paying to the new insurance company. When Licensee finally learned its LLI had lapsed for nonpayment, it quickly obtained coverage. Licensee states that it has no record of receiving any notice of cancellation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category I violation and 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 recommended the standard sanction of license cancellation.
3. The Commission will reduce the sanction to a 63-day license suspension, with the option to pay \$9,900.00 in lieu of 60 days, with the remaining three days a mandatory license suspension, and proof of premium payment for at least a 12-month period for the statutory minimum insurance and/or bond limits of \$300,000.00 as set forth in ORS 471.168.
4. Licensee will either pay a \$9,900.00 civil penalty before 5:00 PM on June 15, 2022 **and** serve a three-day suspension beginning at 7:00 AM on June 22, 2022 and ending at 7:00 AM on June 25, 2022 **OR** serve a 63-day license suspension beginning at 7:00 AM on June 22, 2022 and ending at 7:00 AM on August 24, 2022. Additionally, by June 15, 2022, Licensee will provide proof of premium payment for at least a continuous 12-month period ending no sooner than June 15, 2023, for the statutory minimum insurance and/or bond limits of \$300,000.00 as set forth in ORS 471.168.
5. Licensee withdraws the request for a hearing.

(continue **BRIDGETOWN BEERHOUSE**)

6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegation, 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.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their May 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.

2. The Double J Saloon, Inc.
Justin Turpin, President/Director/Stkhldr
Laura Turpin, Secretary/Treas/Director
dba **THE DOUBLE J SALOON (F-COM)**
528 SW 6th Street
Redmond, OR 97756

OAR 845-005- 0355(5) – On or about June 5, 2021 and June 26, 2021, Licensee and/or Licensee’s employees, agents, or representatives failed to exercise license privileges in compliance with Restriction #4 above, when on June 5, 2021, exercising license privileges issued under a Temporary Use of an Annual License, patrons possessed more than one container of alcohol at one time during a special event “Buckin in the Canyon” located at 5195 SW Clubhouse, Terrebonne, Oregon; and when on June 26, 2021, patrons possessed more than one container of alcohol at one time on the licensed premises.

(Category I)

OAR 845-005- 0345(6) – On or about June 5, 2021, Licensee or Licensee’s employees, agents, or representatives permitted a patron to take an open container of alcoholic beverage from the licensed premises or through an unlicensed area when surveillance video shows one or more patrons leaving the licensed premises with alcoholic beverages during a special event “Buckin in the Canyon” located at 5195 SW Clubhouse, Terrebonne, Oregon.

(1st Level Category V)

OAR 845-005-0355(5) - On or about June 26, 2021, at approximately 9:30pm to 10:30pm, Licensee or Licensee’s employees, agents, or representatives failed to exercise license privileges in compliance with Restriction #5 above, when Licensee’s alcohol servers failed to use a one-ounce jigger or measuring tool to measure pours of distilled spirits.

(Category I)

Note Licensee was charged with these violations by Amended Notice dated April 13, 2022. The standard sanction for Violation Number One and Number Three is license cancellation. The Standard sanction for Violation Number Two is a three-day license suspension or a \$395.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff aggravated Violation Number One because it was repeated and involved more than one patron or employee. Staff aggravated Violations Number Two and Number Three because the violations involved more than one patron or employee. Staff also aggravated the violations because the number of violations indicated a disregard for the law and failure to control the premises.

SYNOPSIS: In May 2020 restrictions were placed on the license per a settlement agreement pertaining to a violation for a history of serious and persistent problems at the premises. In June 2021, Licensee held an event off the premises where multiple violations were observed after an inspector requested surveillance recordings to monitor compliance. Licensee contends that the violations were not committed intentionally but resulted in part due to a misunderstanding of what the restrictions permitted and did not permit. Licensee was cooperative and has made efforts to mitigate issues at the premises to prevent them from happening again.

(Continue **THE DOUBLE J SALOON**)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. Violation Number One and Number Three were Licensee's second and third Category I violations. Violation Number Two was Licensee's first Category V violation within two years. Any subsequent Category V violation 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 and Number Three is license cancellation. The standard violation for Violation Number Two is a three-day license suspension or a \$395.00 civil penalty. Staff aggravated Violation Number One because it was repeated and involved more than one patron or employee. Staff aggravated Violations Number Two and Number Three because the violations involved more than one patron or employee. Staff also aggravated the violations because the number of violations indicated a disregard for the law and failure to control the premises.
3. Commission staff recommended the standard sanction of license cancellation.
4. The Commission will reduce the sanction for Violation Number One to a 34-day license suspension, and Violation Number Three to a 32-day license suspension, with the option to pay \$4,950.00 in lieu of 30 days for each violation, and the remaining six total days a mandatory license suspension.
5. Licensee will either pay a \$10,725.00 civil penalty before 5:00 PM on June 15, 2022 **and** serve a six-day suspension beginning at 7:00 AM on June 22, 2022 and ending at 7:00 AM on June 28, 2022 **OR** serve a 71-day suspension beginning at 7:00 AM on June 22, 2022 and ending at 7:00 AM on September 1, 2022.
6. Licensee withdraws the request for a hearing.
7. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these allegations, the 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 the licensee.
8. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their May 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.