

ADMINISTRATIVE POLICY & PROCESS DIVISION
December 17, 2020

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR VIOLATION CASES

1. DS Market, Inc.
Jatinder Kaur, Pres/Treas/Dir/Stkhldr
Taj Kalkat, VP/Sec/Dir/Stkhldr
dba **DS MART (O)**
87754 Territorial Road
Veneta, OR 97487

OAR 845-006-0335(1)(a)(b)(c) – On or about
November 19, 2019, Licensee’s employee
Tamar Vlahos 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 III)

Note: Licensee was charged with this violation by Notice
dated November 4, 2020. The total proposed
sanction for this violation was a 12-day suspension
or a \$1980.00 civil penalty. Licensee wishes to enter
into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because age
verification equipment was purchased as an offset to a
previous penalty and was not used to prevent the current
violation.

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. The standard sanction for this violation is a 10-day suspension or a civil penalty of \$1,650.00. Staff added two days of aggravation because age verification equipment was purchased as an offset to a previous penalty and was not used to prevent the current violation. The total proposed sanction was a 12-day suspension or a \$1,980.00 civil penalty.
3. The Commission will reduce the sanction by three days. Licensees will pay a \$1,485.00 civil penalty before 5:00 PM on January 15, 2021, **OR** serve a nine-day suspension beginning at 7:00 AM on January 22, 2021 and ending at 7:00 AM on January 31, 2021.
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 Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 2020 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. J-Lamp, LLC
Nan Soon Lee, Managing Mbr.
dba **4TH & OAK MARKET (O)**
306 SW 4th Ave.
Portland, OR 97204

ORS 471.405(1), OAR 845-005-0355(5). See also ORS 471.406 – From about October 1, 2019 to about June 30, 2020, Licensee and/or Licensee’s employees, agents, or representatives failed to exercise license privileges in compliance with restriction #1 and #2 when selling and/or offering for sale malt beverages containing more than 6% alcohol by volume (ABV) and wine containing more than 13.8% ABV.

(Category I)

Note: Licensee was charged with this violation by Amended Notice dated November 3, 2020. The standard sanction for this violation is license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

This violation was aggravated under OAR 845-006-0500(8)(e)(B) due to a repeated failure to comply with law, and under OAR 845-006-0500(8)(e)(A) because Licensee had received a prior warning for this type of compliance problem. Licensee was given a prior warning for non-compliance with ORS 471.405(1) and OAR 845-005-0355(5) on March 28, 2018.

SYNOPSIS: Licensee has a restricted license which prevents it from selling or offering for sale malt beverages containing more than 6% alcohol by volume (ABV) and wine containing more than 13.8% ABV. Inspectors discovered that Licensee violated these restrictions when Licensee offered malt beverages and wine exceeding these ABV limits for sale at the premises. Licensee has created internal processes to prevent these products from being ordered or stocked.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee’s first Category I violation. These violations were aggravated under OAR 845-006-0500(8)(e)(B) due to a repeated failure to comply with law, and under OAR 845-006-0500(8)(e)(A) because Licensee had received a prior warning for this type of compliance problem. Licensee was given a prior warning for non-compliance with ORS 471.405(1) and OAR 845-005-0355(5) on March 28, 2018. 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 this violation is cancellation.
3. The Commission will reduce the sanction and impose a 32-day license suspension. Licensee has the option to pay \$4,950.00 in lieu of 30 days, with two days mandatory.
4. Licensee will serve a 32-day suspension beginning at 7:00 AM on January 22, 2021 and ending at 7:00 AM on February 23, 2021 **OR** pay a \$4,950.00 civil penalty before 5:00 PM on January 15, 2021, with the two-day mandatory suspension beginning at 7:00 AM on January 22, 2021 and ending at 7:00 AM on January 24, 2021.
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 the allegation(s), the licensee agrees to accept a Letter of Reprimand for the violation(s). 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.

(continue **4th & OAK MARKET**)

7. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 2020 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, Licensees waive 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.