

ADMINISTRATIVE HEARINGS DIVISION

March 18, 2021

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR VIOLATION CASES

1. Zeco Development Group, LLC
Ramzy Hattar, Managing Member
Shadi Hattar, Member
dba **RIVER PIG SALOON**
555 NW Arizona Ave., Suite 40
Bend, OR 97703

ORS 471.405(1) - On or about October 27, 2019, Licensee and/or Licensee's employees, agents, or representatives sold or offered for sale alcoholic beverages in a manner other than the license permitted when they sold or offered for sale alcoholic beverages at a location other than the licensed premises, without a Temporary Use of an Annual License (TUAL) for the location when they placed and operated a pop-up bar in the common area of the Box Factory, an unlicensed location in the building in which the licensed premises is located.

(1st Level Category I)

OAR 845-006-0345(6) - On or about October 27, 2019, Licensee and/or Licensee's employees, agents, or representatives permitted one or more individuals to take open containers of alcoholic beverages from the licensed premises, when patrons carried alcoholic beverages to and from the licensed premises and the common area of the Box Factory.

(1st Level Category V)

Note: Licensee was charged with these violations by Notice dated August 11, 2020. The standard sanction for Violation Number One is cancellation. The standard sanction for Violation Number Two is a three day license suspension or a \$495.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff added two days of aggravation to Violations Number One and Two because the Licensee was personally involved.

SYNOPSIS: Licensee held an event in an unlicensed common area of the building where it is located. The area serves as an entry way for other businesses housed in the same building. Licensee did not obtain a TUAL prior to holding the event. Patrons attending the event walked between the licensed premises and the unlicensed common area. The area has not been added to the license. There have not been any additional events in this area.

(continue **RIVER PIG SALOON**)

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. This was Licensee's first Category I violation, and first Category V violation within a two year period. Any subsequent Category V violation within the same two year period will be charged at the second level.
2. The standard sanction for Violation Number One is license cancellation. The standard sanction for Violation Number Two is a three-day license suspension or a civil penalty of \$495.00. Both violations were aggravated because the Licensee was personally involved.
3. The Commission will reduce Violation Number One to a \$5,000.00 civil penalty or 32-day license suspension. The Commission will reduce Violation Number Two to a \$660.00 civil penalty or four-day license suspension.
4. Licensee will pay a civil penalty of \$5,660.00 before 5:00 PM on April 15, 2021, OR serve a 36-day suspension beginning at 7:00 AM on April 22, 2021 and ending at 7:00 AM on May 28, 2021.
5. Licensee may off-set the number of days they were prohibited from exercising their on-premises license privileges pursuant to the Governor's Executive Order 20-07, or any successor that extends that order, against the 36-day suspension referenced in Paragraph 4.
6. Licensee withdraws the request for hearing.
7. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegations, 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 or permit by the licensee.
8. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 2021 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensees' 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. Griffin Restaurants, LLC
Nicholas Griffin, Managing Member
dba **WHITE WATER TAPHOUSE**
1043 NW Bond St.
Bend, OR 97703

OAR 845-006-0345(16), (17)(b) - On August 8, 2020, from about 10:01pm to about 11:25pm, Licensee and/or Licensee's employees, agents or representatives offered or allowed consumption of alcoholic beverages on the licensed premises after 10:00pm in violation of Oregon Health Authority guidelines relating to the hours that a business may serve alcoholic beverages for on-premises consumption on the licensed premises.

(1st Level Category II)

Note: Licensee was charged with this violation by Notice dated October 27, 2020. The standard sanction for the violation is a 30-day suspension. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff added two days of aggravation because the violation involved more than one patron.

SYNOPSIS: An inspector went to the premises to check for compliance with the Governor's COVID-related Executive Orders. At 10:55pm, the inspector observed approximately 20 patrons continue consuming alcohol on the premises. The inspector then notified the manager that consumption must stop after 10:00pm. At 11:25pm when the inspector returned to White Water Taphouse, he observed the last patrons leaving the premises.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category II violation. Any subsequent Category II 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 the Category II violation is a 30-day license suspension. Staff added two days of aggravation because the violation involved more than one patron. Commission staff recommended a 32-day suspension for this violation.
3. The Commission will reduce the sanction by nine days. Licensee will either pay a \$3,795.00 civil penalty before 5:00 PM on April 15, 2021 **OR** serve a 23-day suspension beginning at 7:00 AM on April 22, 2021 and ending at 7:00 AM on May 15, 2021.
4. Licensee withdraws the request for a hearing.
5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on this allegation, the 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 by the licensee.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their March 2021 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.