

ADMINISTRATIVE POLICY & PROCESS DIVISION
October 15, 2020

STIPULATED SETTLEMENT AGREEMENTS FOR LIQUOR VIOLATION CASES

1. The Edge Nightclub & Patio, LLC
Rob Barrett, Managing Member
3001 Crater Lake Ave, #102
Medford, OR 97504
dba **THE EDGE NIGHTCLUB & PATIO (F-COM)**
21 & 25 S Riverside Ave
Medford, OR 97501

ORS 471.315(1)(c) – From February 23, 2018 to November 3, 2019, there is a history of serious and persistent problems involving disturbances, unlawful activities or noise either in the licensed premises of The Edge Nightclub & Patio (The Edge) located at 21 & 25 S Riverside Avenue, Medford, Oregon (the premises or licensed premises), or involving patrons in the immediate vicinity of the premises.

(Category I)

ORS 471.410(1) - On or about March 30, 2019, shortly after midnight, Licensee and/or its employees, agents or representatives sold, gave or otherwise made available alcoholic beverages to a visibly intoxicated person, when a female server working at the premises served a visibly intoxicated patron two pint glasses of distilled spirits and soda.

(1st Level Category III)

Note: Licensee was charged with these violations by Amended Notice dated May 27, 2020. Staff proposed the standard sanction of license cancellation and nonrenewal for these violations. Licensee requested a hearing and now wishes to enter into this settlement agreement.

SYNOPSIS: This is a History of Serious & Persistent Problems (HSPP) case for a nightclub located in downtown Medford. This premises was associated with large groups of intoxicated patrons fighting in the street and neighboring parking lot at closing time, and in 2019 it became a significant drain on law enforcement resources. The premises was declared a nuisance and was closed for one year by municipal court order dated November 8, 2019. Shortly before the week-long hearing was set to begin Licensee decided to surrender the license. Commission staff believes that it is in the interest of public safety that this surrender be accepted by the Commission. As part of the settlement, Licensee agrees to accept responsibility for two violations – the HSPP charge (Category I violation), and a charge of serving a visibly intoxicated patron (a Category III violation). Two other charges are withdrawn as part of the settlement agreement.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations Number One and Number Four as set out in the Notice. The Commission withdraws Violations Number Two and Number Three. Violation Number One was Licensee’s first Category I violation. Violation Number Four was Licensee’s first Category III violation within two years.
2. Commission staff proposed the standard sanction of license cancellation and nonrenewal for these violations.

(continue **THE EDGE NIGHTCLUB
& PATIO**)

3. Licensee hereby surrenders its license and the Commission accepts the surrender effective immediately upon ratification of this agreement. Licensee agrees that its license will not be renewed.
4. Each licensee agrees to accept a Letter of Reprimand for Violations Number One and Number Four. 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.
5. Licensee withdraws its Request for Hearing in this matter.
6. This agreement is conditioned upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their October 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.