

ADMINISTRATIVE HEARINGS DIVISION

August 17, 2023

STIPULATED SETTLEMENT AGREEMENT FOR MARIJUANA VIOLATION CASES

1. Blackbird Crow, LLC
Alex Andrade, Member
Linda Hice, Manager
dba **BLACKBIRD CROW**
593 Jackson St E
Monmouth, OR 97361

ORS 475C.213 and OAR 845-025-8520(1) - On or about October 18, 2022, Licensee Alex Andrade sold, delivered, transferred, or made available a marijuana item to minor decoy a person under 21 years of age who did not hold a valid OMMP patient or caregiver card.

Note: Licensee was charged with this violation by Notice dated May 3, 2023. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(Retailer)

(1st Level Category II(b))

AGGRAVATED

Staff added three days of aggravation because the Violation was personally committed by Licensee Andrade.

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) violations within the same two years will be charged starting at the second level. The 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 30-day suspension or a civil penalty of \$4,950.00. Commission staff added three days of aggravation because the Violation was personally committed by Licensee Andrade. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty.
3. The Commission will reduce the sanction for the violation by nine days.
4. Licensee will either pay a \$3,960.00 civil penalty before 5:00 PM on September 15, 2023, OR serve a 24-day license suspension beginning at 12:00 PM (noon) on September 22, 2023, and ending at 12:00 PM (noon) on October 16, 2023.
5. Licensee withdraws the request for hearing.

(continue **BLACKBIRD CROW**)

6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the charge, 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 August 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.