

ADMINISTRATIVE HEARINGS DIVISION

September 22, 2022

STIPULATED SETTLEMENT AGREEMENT - LIQUOR VIOLATION CASE

1. PS PDX Partners, LLC
Allan Gantes, Managing Member
John Gantes, Jr., Member
ABG Separate Property Trust, Member
Allan Gantes, Trustee
dba **PARKSTONE WOOD KITCHEN & TAPS (F-COM)**
9921 NE Cascades Parkway
Portland, OR 97220

ORS 471.360(1)(a) and (b) – From about January 13, 2021 to about November 12, 2021, Licensee permitted its employee, agent or representative Jose Gonzalez, also known as Javier “Javi” Gonzales, to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission.

(1st Level Category III)

Note: Licensee was charged with this violation by Notice dated July 20, 2022. The total proposed penalty was a 12-day license suspension or a \$1,980.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days aggravation because the violation involved an individual working without a permit for more than six months.

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 the licensee’s Commission file and may be considered in any future application for any license or permit by the licensee.
2. The standard sanction for this violation is a 10-day suspension or a civil penalty of \$1,650.00. Commission staff added two days aggravation because the violation involved an individual working without a permit for more than six months. The total proposed penalty was a 12-day license suspension or a \$1,980.00 civil penalty.
3. The Commission will reduce the penalty by three days.
4. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on October 17, 2022 **OR** serve a nine-day suspension beginning at 7:00 AM on October 24, 2022 and ending at 7:00 AM on November 2, 2022.
5. Licensee withdraws the request for a hearing.
6. 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 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 September 2022 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. SRN Co., Inc.
Scott Saxton, Pres/Dir/Stockholder
Dennis Nimister, Sec/Dir/Stockholder
Judith Robinson, Vice President/Dir
Estate of Randall Robinson, Stkhldr
dba **MAIN STREET PIZZA II (L)**
2205 N. Hwy 101 #B
Tillamook, OR 97141

ORS 471.360(1)(a) and (b) – From about
September 13, 2021 to April 14, 2022, Licensee
permitted its employee, agent, or representative
Felicia Russell to mix, sell, or serve alcoholic
beverages, or supervise those who do, without a
valid service permit issued by the Commission.

(1st Level Category III)

Note: Licensee was charged with this violation by
Notice dated July 20, 2022. The total proposed
penalty was a 12-day license suspension or a
\$1,980.00 civil penalty. Licensee wishes to enter
into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation because the individual
worked without a permit for more than six months.

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 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 violation is a 10-day suspension or a \$1,650.00 civil penalty. Staff added two days of aggravation because the individual worked without a permit for more than six months.
3. The Commission will reduce the sanction for the violation by three days.
4. Licensee will either pay a \$1,485.00 civil penalty before 5:00 PM on October 17, 2022, **OR** serve a nine-day suspension beginning at 7:00 AM on October 24, 2022 and ending at 7:00 AM on November 2, 2022.
5. 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.
6. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their September 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.

3. KHM Group, Inc.
Hang Kim, Pres/Sec/Dir/Stkhldr
Mikyung Kim, Stockholder
PO Box 410
Odell, OR 97044
dba **MID VALLEY MARKET (O)**
3380 Odell Hwy
Odell, OR 97044

OAR 845-006-0335(1)(a)(b)(c) – On or about May 5, 2022, Licensee’s employee, agent, or representative Jessica Morales Hernandez failed to verify the age of a minor, before allowing him to buy or be served an alcoholic beverage, when he reasonably appeared to be under 26 years of age.

(1st Level Category II(b))

Note: Licensee was charged with this violation by Notice dated July 26, 2022. The total proposed penalty was a 12-day license suspension or a \$3,000.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation for failure to use age verification equipment purchased as an offset to a previous penalty.

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) 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. Commission staff originally proposed the standard sanction of a 10-day license suspension or a \$2,500.00 civil penalty. Staff added two days of aggravation for failure to use age verification equipment purchased as an offset to a previous penalty. The total proposed penalty was a 12-day license suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the sanction by three days.
4. Licensee will either pay the \$2,250.00 civil penalty before 5:00 PM on October 17, 2022, **OR** serve a nine-day suspension beginning at 7:00 AM on October 24, 2022 and ending at 7:00 AM on November 2, 2022.
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 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.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their September 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.

4. Hot Stone, LLC
Brad Loucks, Managing Member
Terry Loucks, Member
Kevin Hansen, Member
Jim Bennett, Member
dba **THE ROCK WOOD FIRED PIZZA
& SPIRITS (F-COM)**
2295 NE Allie Avenue
Hillsboro, OR 97124

ORS 471.360(1)(a) and (b) – On the dates indicated below, Licensee permitted the listed employees, agents, or representatives to mix, sell, or serve alcoholic beverages, or supervise those who do, without a valid service permit issued by the Commission: Brianna Brown, from about June 10, 2020 to October 29, 2020 and from about January 14, 2021 to May 25, 2021. Brad Loucks, from about May 7, 2021 to June 10, 2021.

(1st Level Category III)

Note: Licensee was charged with this violation by Notice dated May 31, 2022. The total proposed sanction for this violation was 16 days suspension or a \$2640 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added 6 days of aggravation because one individual worked without a permit for more than six months, it involved more than one employee, and Licensee Brad Loucks was personally involved in the 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 \$1,650.00 civil penalty. This violation was aggravated because one individual worked without a permit for more than six months, it involved more than one employees, and Licensee Brad Loucks was personally involved in the violation.
3. The Commission will reduce the sanction for this violation by three days.
4. Licensee will either pay a \$2,145.00 civil penalty before 5:00 PM on October 14, 2022, **OR** serve a 13-day suspension beginning at 7:00 AM on October 21, 2022 and ending at 7:00 AM on November 3, 2022.
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 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.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their September 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.

5. La Parranda Nightclub & Sports Bar, LLC
Timoteo Soto, Managing Member
dba **LA PARRANDA
NIGHTCLUB (F-COM)**
990 N. Pacific Hwy, Suite B & C
Woodburn, OR 97071

OAR 845-006-0347(1)(c), (2)(a) – On or about March 19, 2022, Licensee and/or Licensee’s employees, agents, or representatives permitted disorderly activities on the licensed premises or in areas the Licensee controls that are adjacent to or outside the premises, when Licensee’s employee, agent, or representative, Jose Francisco Giraldo Ramirez, had a verbal altercation and tried to initiate a physical altercation with Christian Cruz Quintero while inside the premises, which later escalated in the parking lot when Giraldo Ramirez and Humberto Martinez Quiroz physically assaulted and injured Cruz Quintero.

(1st Level Category III)

OAR 845-006-0347(4)(a) - On or about March 18-19, 2022, Licensee and/or Licensee’s employees, agents, or representatives failed to evict employee, agent, or representative, Jose Francisco Giraldo Ramirez, from the premises for at least a 24-hour period, after he had a verbal altercation, made threats, and tried to initiate a physical altercation with Christian Cruz Quintero, and Cruz Quintero twice complained to premises security but they took no action.

(1st Level Category IV)

Note: Licensee was charged with these violations by Notice dated July 13, 2022. The total proposed penalty was a 19-day suspension or a \$3,135.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Staff added two days of aggravation to Violation Number One because it resulted in injury.

SYNOPSIS: An alcohol floor monitor (Jose Francisco Giraldo Ramirez) had verbal altercations and tried to initiate a physical altercation with a band member playing at the premises (Christian Cruz Quintero). Cruz Quintero told premises staff about Giraldo Ramirez’s actions and staff overheard Giraldo Ramirez make a threatening statement to Cruz Quintero. Staff did not evict Giraldo Ramirez. When Cruz Quintero left the premises, Giraldo Ramirez and another individual (Humberto Martinez Quiroz) were waiting for him outside and physically attacked him until staff came outside and deployed mace. This is Licensee’s first violation.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violations as set out in the Notice. Violation Number One was Licensee’s first Category III violation and Violation Number Two was Licensee’s first Category IV violation within two years. Any subsequent Category III or Category IV 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.

(continue **LA PARRANDA NIGHTCLUB**)

2. The standard sanction for Violation Number One is a 10-day suspension or a \$1,650.00 civil penalty. The standard sanction for Violation Number Two is a seven-day suspension or a \$1,155.00 civil penalty. Staff added two days of aggravation to Violation Number One because it resulted in injury.
3. The Commission will reduce the sanction for Violation Number One by three days, and for Violation Number Two by two days.
4. Licensee will either pay a \$2,310.00 civil penalty before 5:00 PM on October 17, 2022, **OR** serve a 14-day suspension beginning at 7:00 AM on October 24, 2022 and ending at 7:00 AM on November 7, 2022.
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 these incidents, 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 by the licensee.
7. This agreement is conditional upon final approval of the Commission and will be reviewed by the Commissioners at their September 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.