

ADMINISTRATIVE HEARINGS DIVISION

February 17, 2022

STIPULATED SETTLEMENT AGREEMENT FOR LIQUOR VIOLATION CASES

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| <p>1. Noi, LLC
Pornchai Chaiseeha, Mng Member
Settapon Nilket, Member
Jantana Chaiseeha, Member
Chadillada Lapangkura, Member
Chanpen Lapangkura, Member
dba NOI THAI CUISINE
550 NW Franklin Avenue, #148
Bend, OR 97701</p> | <p>ORS 471.315(1)(a)(J) – On or about July 24, 2019, Licensees Pornchai Chaiseeha and Chadillada Lapangkura were convicted of Conspiracy to Defraud the Government, 18 USC §371, a federal felony, in the US District Court for the Western District of Washington, Case No. 19-CR-00140-JLR.</p> <p>(Category I)</p> | <p>Note Licensee was charged with this violation by Notice dated June 9, 2021. The proposed sanction was license cancellation. Licensee requested a hearing and now wishes to enter into this settlement agreement.</p> |
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SYNOPSIS: Two of the five members of the licensed entity were convicted in December 2019 of defrauding the government for using software in their restaurants to skim cash sales from their books, resulting in a percentage of their sales being unreported. The software was installed in their Washington restaurants and their restaurant located in Bend, Oregon. The plea agreement stated that their tax returns for the years 2011 through 2016 were therefore false and fraudulent, and under-reported their taxable income. According to a statement submitted to the Commission from their attorney, the software was only used at the Bend location from 2012 until 2015, the use was voluntarily terminated prior to the criminal investigation, and only roughly 1% of the income from the Bend restaurant was not reported.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category I violation. 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 for this violation the standard sanction of license cancellation.
3. Subject to the COVID offset stated in paragraph 5 below, the Commission will reduce the sanction for Violation Number One to a 30-day license suspension **OR** a \$4,950.00 civil penalty.
4. Licensee may off-set the number of days it was prohibited from exercising its on-premises license privileges pursuant to the Governor's Executive Order 20-07, or any successor that extends that order, against the 30-day suspension for the violation referenced in Paragraph 3. Applying this COVID off-set against the penalty, shall either pay a \$4,950.00 civil penalty **OR** serve a 30-day suspension, which will be considered already served.
5. Members Pornchai Chaiseeha or Chadillada Lapangkura will divest themselves of all interest in Noi, LLC and Noi Thai cuisine before 5pm on March 31, 2022.

(continue **NOI THAI CUISINE**)

6. The Commission will impose restrictions on the license. Licensee accepts the imposition of the following license restrictions without conditions or reservations:
 - (1) Licensee will not allow Pornchai Chaiseeha or Chadillada Lapangkura to be on the licensed premises at any time.
 - (2) Licensee will not allow Pornchai Chaiseeha or Chadillada Lapangkura to take part in the operation or management of or provide services to Noi, LLC and/or the premises licensed in the State of Oregon.
7. Licensee withdraws the request for a hearing.
8. 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.
9. This agreement is conditional upon final approval of the Oregon Liquor and Cannabis Commission and will be reviewed by the Commissioners at their February 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.