

ADMINISTRATIVE HEARINGS DIVISION

August 15, 2024

STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES

1. Cactus J Restaurant, LLC
Maria Aguilera, Managing Member
Juan Gutierrez, Managing Member
dba **CACTUS J (F-COM)**
31771 Hwy 70
Bonanza, OR 97623

OAR 845-006-0335(1)(a)(b)(c) – On or about November 1, 2023, Licensee Maria Aguilera failed to verify the age of a minor before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

Note: Licensee was charged with this violation by Notice dated July 2, 2024. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty. Licensee wishes to enter into this settlement agreement.

(1st Level Category II(b))

AGGRAVATION

Staff added two days of aggravation because the violation was personally committed by a licensee.

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. Any subsequent Category II(b) violation within the same two years will be charged starting at the second level.
2. Commission staff originally proposed the standard sanction of a 10-day license suspension or a civil penalty of \$2,500.00 for this violation. Staff added two days of aggravation because the violation was personally committed by a licensee. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty.
3. The Commission will reduce the sanction for the violation by three days.
4. Licensee will either pay a \$2,250.00 civil penalty before 5:00 PM on September 16, 2024, **OR** serve a 9-day suspension beginning at 7:00 AM on September 23, 2024, and ending at 7:00 AM on October 2, 2024.
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 or permit by the licensee.
6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their August 2024 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. Angel Solis Perez
dba **ONTARIO MINI MARKET AND
PRODUCE LLC (O)**
401 S Oregon St
Ontario, OR 97914

OAR 845-006-0335(1)(a)(b)(c) – On or about August 26, 2023, Licensee’s employee, agent, or representative Blanca Granados Hernandez failed to verify the age of a minor before allowing her to buy or be served an alcoholic beverage, when she reasonably appeared to be under 26 years of age.

Note: Licensee was charged with this violation by Notice dated June 4, 2024. The proposed penalty was the standard sanction of a 10-day license suspension or a civil penalty of \$2,500.00. Licensee requested a hearing and now wishes to enter into this settlement agreement.

(1st Level Category II(b))

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 starting 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 the licensee.
2. Commission staff proposed the standard sanction of a 10-day license suspension or a civil penalty of \$2,500.00 for this violation.
3. The Commission will reduce the penalty for the violation by three days.
4. Licensee will either pay a \$1,750.00 civil penalty before 5:00 PM on September 16, 2024, **OR** serve a seven-day suspension beginning at 7:00 AM on September 23, 2024, and ending at 7:00 AM on September 30, 2024.
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 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 2024 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. Market Street Fast Serv, Inc.
Robert Barman, Pres/Dir/Stkhldr
Mary Barman, Sec/Stkhldr
dba **CIGARETTE OUTLET (O)**
2309 Lancaster Dr NE
Salem, OR 97305

OAR 845-006-0335(1)(a)(b)(c) – On or about November 9, 2023, Licensee’s employee, agent, or representative Zachary Wilson failed to verify the age of a minor before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

(1st Level Category II(b))

OAR 845-006-0335(1)(a)(b)(c) – On or about December 15, 2023, Licensee’s employee, agent, or representative Lisa Murphy failed to verify the age of a minor before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

(2nd Level Category II(b))

Note: Licensee was charged with these violations by Notice dated June 12, 2024. The total proposed sanction was removal from the Responsible Vendor Program and a 44-day suspension. Licensee was given the option to pay a \$7,950.00 civil penalty in lieu of 42 days of suspension, with the remaining two days mandatory. License requested a hearing and now wishes to enter into this settlement agreement.

AGGRAVATION

Commission staff proposed adding two days of aggravation for Violation Number One and Violation Number Two because Licensee was allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the two current violations.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations Number One and Number Two as set out in the Notice and accepts removal from the Responsible Vendor Program. Violation Number One was Licensee’s first Category II(b) violation and Violation Number Two was Licensee’s second within two years. Any subsequent Category II(b) violations within the same two years will be charged starting at the third level.
2. Commission staff proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for Violation Number One and a 30-day suspension or a civil penalty of \$4,950.00 for Violation Number Two. Commission staff proposed adding two days of aggravation for Violation Number One and Violation Number Two because Licensee was allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the two current violations. The total proposed sanction was removal from the Responsible Vendor Program and a 44-day suspension; Licensee was given the option to pay a \$7,950.00 civil penalty in lieu of 42 days of suspension, with the remaining two days mandatory.
3. The Commission will reduce the sanction by 12 days.
4. Licensee will be removed from the Responsible Vendor Program and will either pay a \$6,045.00 civil penalty before 5:00 PM on September 16, 2024, **OR** serve a 32-day suspension beginning at 7:00 AM on September 23, 2024, and ending at 7:00 AM on October 25, 2024.
5. Licensee withdraws the request for hearing.

(continue **CIGARETTE OUTLET**)

6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these allegations, that licensee agrees to accept a Letter of Reprimand for these 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 that licensee.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their August 2024 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. Los Potrillos Restaurant, Inc.
Martin Toro, Director/Stkhldr
Isabel Toro, Director/Stkhldr
dba **LOS POTRILLOS
RESTAURANT (F-COM)**
1750 Washburn Wy
Klamath Falls, OR 97603

OAR 845-006-0335(1)(a)(b)(c) – On or about February 9, 2023, Licensee’s employee, agent, or representative Judith Mendez failed to verify the age of a minor before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

Note: Licensee was charged with these violations by Notice dated June 12, 2024. The total proposed sanction was a 44-day suspension; Licensee was given the option to pay a \$7,950.00 civil penalty in lieu of 42 days of suspension, with the remaining two days mandatory. Licensee wishes to enter into this settlement agreement.

(1st Level Category II(b))

OAR 845-006-0335(1)(a)(b)(c) - On or about April 27, 2024, Licensee’s employee, agent, or representative Fernanda Monrreal failed to verify the age of a minor, before allowing them to buy or be served an alcoholic beverage, when they reasonably appeared to be under 26 years of age.

(2nd Level Category II(b))

AGGRAVATION

Commission staff proposed adding two days of aggravation for Violation Number One and Violation Number Two because Licensee was allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the two current violations.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for Violations Number One and Number Two as set out in the Notice. These were Licensee’s first and second Category II(b) violations within two years. Any subsequent Category II(b) violations within the same two years will be charged starting at the third level.
2. Commission staff proposed the standard sanction of a 10-day suspension or a civil penalty of \$2,500.00 for Violation Number One and a 30-day suspension or a civil penalty of \$4,950.00 for Violation Number Two. Commission staff proposed adding two days of aggravation for Violation Number One and Violation Number Two because Licensee was allowed to purchase age verification equipment as an offset to a penalty for a previous failure to verify the age of a minor and the age verification equipment was not used to prevent the two current violations. The total proposed sanction was a 44-day suspension; Licensee was given the option to pay a \$7,950.00 civil penalty in lieu of 42 days of suspension, with the remaining two days mandatory.
3. The Commission will reduce the sanction by 12 days.
4. Licensee will either pay a \$6,045.00 civil penalty before 5:00 PM on September 16, 2024, **OR** serve a 32-day suspension beginning at 7:00 AM on September 23, 2024, and ending at 7:00 AM on October 25, 2024.

(continue **LOS POTRILLOS RESTAURANT**)

5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on these allegations, that licensee agrees to accept a Letter of Reprimand for these 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 that licensee.

6. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their August 2024 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.