

ADMINISTRATIVE HEARINGS DIVISION

May 16, 2024

**STIPULATED SETTLEMENT AGREEMENTS - LIQUOR VIOLATION CASES**

1. Teal NW, LLC  
Cathryn Teal, Managing Member  
Mitchell Teal, Member  
4080 Eagle Crest Rd NW  
Salem, OR 97304  
dba **BREW COFFEE & TAP HOUSE  
(F- COM)**  
211 S Main St.  
Independence, OR 97351

OAR 845-006-0335(1)(a)(b)(c) – On or about May 12, 2023, Licensee Cathryn Teal 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.

(1<sup>st</sup> Level Category II(b))

Note: Licensee was charged with this violation by Notice dated April 9, 2024. The total proposed sanction was a 12-day license suspension or a \$3,000.00 civil penalty.

**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 within two years. 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. Licensee will have the option to install age verification equipment (AVE) by June 3, 2024. In the event Licensee installs AVE, Licensee will utilize the equipment to verify the age of every patron who reasonably appears to be under 26 years of age. All alcohol sales will be run through registers at which age verification equipment is installed. Installation of age verification equipment that meets all standards set forth in this agreement and in OAR 845-009-0140(2) is done in lieu of 10 days of the suspension or \$2,500.00 of the civil penalty.
4. If AVE is installed by June 3, 2024, and certified by Commission staff to meet all the standards identified in OAR 845-009-0140(2) by 5:00 PM on June 10, 2024, Licensee will pay a \$500.00 civil penalty before 5:00 PM on June 17, 2024, **or** serve a two-day license suspension beginning at 7:00 AM on June 22, 2024, and ending at 7:00 AM on June 24, 2024.
5. If AVE is not installed by June 3, 2024, or AVE that meets all the standards identified in OAR 845-009-0140(2) is not in use by June 10, 2024, Licensee will pay a \$3,000.00 civil penalty before 5:00 PM on June 17, 2024, **or** serve a 12-day suspension beginning at 7:00 AM on June 22, 2024, and ending at 7:00 AM on July 4, 2024.
6. Licensee understands that it is eligible for a credit for installation of AVE only one time, that the equipment is expected to remain in good order, and that the equipment must be used for as long as Licensee has a liquor license at this premises. Licensee understands that failure to use the equipment, whether by human error or malfunction, in future violations may result in increased penalties and, if applicable, removal from the Responsible Vendor Program.

(continued **BREW COFFEE & TAP HOUSE**)

7. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on this allegation, that 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 or permit by that licensee.
8. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their May 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.

2. NTHT, LLC  
Toan Nguyen, Managing Member  
dba **UCHU SUSHI AND FRIED  
CHICKEN (F-COM)**  
3940 N Mississippi Ave  
Portland, OR 97227

ORS 471.360(1)(a)(b) – On the dates indicated below, Licensee permitted 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.

Note: Licensee was charged with this violation by Notice dated March 26, 2024. The total proposed penalty was a 16-day license suspension or a \$2,640.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

John Camacho – From about September 18, 2022, to about May 30, 2023

Evan Dolezal – From about September 20, 2022, to about May 30, 2023

(1<sup>st</sup> Level Category III)

### **AGGRAVATION**

Staff added six days aggravation because more than one employee was involved, and the individuals worked without a permit for more than six months.

**SYNOPSIS:** During a premises inspection it was discovered that Servers John Camacho and Evan Dolezal were selling/serving alcohol without valid service permits. Mr. Camacho had started 3 alcohol service permit applications, all of which were denied for failure to complete the application criteria. Mr. Dolezal had started 2 alcohol service permit applications which had both been denied for failure to complete the application criteria. Both of the employees had been working and serving alcohol without valid service permits from September 2022 through May 2023.

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category III violation. Any subsequent Category III violation within the same two years will be charged starting 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 the violation is a 10-day license suspension or a civil penalty of \$1,650.00. Commission staff added six days of aggravation because the violation involved more than one employee and both employees worked without a permit for more than six months. The total proposed sanction was a 16-day license suspension or a \$2,640.00 civil penalty.
3. The Commission will reduce the sanction for the violation by three days.
4. Licensee will either pay a \$2,145.00 civil penalty before 5:00 PM on June 17, 2024, **OR** serve a 13-day suspension beginning at 7:00 AM on June 22, 2024, and ending at 7:00 AM on July 5, 2024.
5. Licensee withdraws the request for hearing.

(continued **UCHU SHUSHI AND FRIED CHICKEN**)

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 May 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.