

ADMINISTRATIVE HEARINGS DIVISION

May 16, 2024

STIPULATED SETTLEMENT AGREEMENT FOR LIQUOR LICENSE APPLICANT

1. Grand Finale, LLC
Azim Patel, Managing Member
dba **IKON LOUNGE (F-COM)**
214 SW Broadway
Portland, OR 97205

OAR 845-005-0326 states, in pertinent part:

ORS 471.313(1) allows the Commission to deny a license that public interest or convenience does not demand. The following are some of the public interest or convenience reasons for which the Commission may deny a license unless the applicant shows good cause to overcome the criteria:***

(2) Problem Areas:

- (a) The licensed premises will be located in an area that, within 500 feet of the premises and in the past 12 months, has at least 50 documented incidents of public drunkenness, fights, altercations, harassment, unlawful drug sales, alcohol-related litter, trespassing on private property, or public urination. These problems need not be alcohol-related;
- (b) Some of the intervening circumstances the Commission considers in determining whether the refusal basis is supported or overcome are:
 - (A) The applicant's control plan showing that alcoholic beverage sale or service at the premises will not contribute to the problems, and
 - (B) The applicant's control plan addressing its willingness and ability to control the proposed premises and patrons' behavior in the immediate vicinity of the premises.

OAR 845-005-0355 states, in pertinent part:

(1) The Commission may restrict a license or service permit when:

*** (d) The Commission has a basis to refuse the license and the applicant or licensee has submitted a qualifying control or operating plan as good cause to

Note: Licensee was issued a Notice of Proposed License Restrictions dated April 18, 2024. Licensee wishes to dispose of this licensing matter by settlement agreement, including the imposition of the listed restrictions.

overcome the refusal basis. In these circumstances the Commission shall impose as restrictions those elements of the control or operating plan that the Commission determines are essential to overcoming the refusal basis.

SYNOPSIS: Applicant applied for a Full On-Premises License at a location identified as a problem area due to 121 relevant recorded incidents from August 20, 2022 to August 20, 2023 within a 500-foot radius of the proposed premises. The Portland Police Bureau provided an unfavorable recommendation under OLCC rules. Applicant submitted a Control Plan for the premises that included drink limits, video surveillance and recordings, security personnel on the premises, and reduced hours of alcohol sales and service. The proposed settlement and restriction's goal is that this premise will not contribute to the problems in the area.

TERMS OF AGREEMENT

1. The Commission will issue Applicant a Full On-Premises Sales license with the above-listed restrictions for the above location after this agreement is ratified and after Staff determine that the application is complete.
2. Applicant accepts the imposition of the listed restrictions on the license identified in this agreement without any conditions or reservations:

Applicant accepts the imposition of the following listed restrictions:
 - (1) A patron may possess no more than two containers of alcoholic beverages at one time and each container of alcoholic beverages will contain no more than 16 ounces of malt beverage, 16 ounces of cider, 6 ounces of wine, or 2 ounces of distilled spirits.
 - (2) The applicant will have at least two DPSST certified individuals on-duty and on the premises on Friday and Saturday nights between 10:00 pm and the time of closing the premises to the public. The individuals acting in this role will not be allowed to mix, sell, or serve alcoholic beverages and must wear an outer garment that clearly displays the word "security" in a readable size and font on the individual's chest and back.
 - (3) Licensee will maintain a security video surveillance system with digital video recording capabilities sufficient to capture clear and specific images of all areas controlled by the licensee, including the outdoor areas adjacent to the licensed building. The licensee will keep all recordings for a minimum of 30 calendar days, with the date and time embedded on all surveillance recordings without significantly obscuring the picture. Licensee will promptly make unaltered video surveillance footage available, upon request, to any OLCC inspector or law enforcement officer.
 - (4) The sale and service of alcoholic beverages are prohibited from 2:00 am to 7:00 am every day. Patron possession and consumption of alcoholic beverages are prohibited from 2:30 am to 7:00 am every day.
3. Applicant waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), to judicial review, and to otherwise challenge this agreement or the Final Order resulting from it.

(continued **IKON LOUNGE**)

4. This agreement is conditioned on the final approval of the Commission and will be reviewed by the Commissioners at a commission meeting. If the Commission does not accept and approve this agreement in its entirety, it is deemed null and void, and Applicant's hearing rights, if any, will be restored. If the Commission accepts and approves this agreement in its entirety, Applicant withdraws any request for hearing.