

August 9, 2011

Kristina Martin  
Service Permit No. 368187  
PO Box 1695  
Prineville, Oregon 97754

**RE: CINNABAR (F-COM)**  
121 NE 3<sup>rd</sup> Street  
Prineville, Oregon 97754

**CERTIFIED and REGULAR MAIL**

**NOTICE OF PROPOSED SERVICE PERMIT SUSPENSION / CIVIL PENALTY**

Pursuant to ORS 471.385(1)(c), the Commission may cancel or suspend your service permit or assess a civil penalty for any violation. The Commission's Public Safety Program proposes that the Commission suspend your permit for 12 days or assess a civil penalty of \$300.00 for the following violation:

On February 19 and 20, 2011, you permitted a minor, Jose Nunez, to drink alcoholic beverages on the licensed premises. This is a violation of OAR 845-006-0335(3)(a).

Alternate Violation

On February 19 and 20, 2011, you permitted a minor, Jose Nunez, to be on the licensed premises or in an area of the licensed premises prohibited to minors. This is a violation of OAR 845-006-0335(3)(b).

**DETERMINING THE PENALTY**

OAR 845-006-0500 defines this violation as a Category III violation and sets a 10-day suspension or a \$250.00 civil penalty for the first violation of this type within two years. OAR 845-006-0500(7)(a)(D), (7)(b), and Exhibit 1 to OAR 845-006-0500(7). This is your first.

If the Commission finds aggravating or mitigating circumstances, it may assess a greater or lesser sanction than that listed in the administrative guidelines.

Aggravating Circumstances

The minor drank multiple alcoholic beverages. The Public Safety Program proposes that the Commission aggravate the sanction an additional two days for this circumstance.

### **PROPOSED PENALTY**

The Public Safety Program recommends that the Commission suspend your service permit for 12 days or assess a civil penalty of \$300.00 for the above violation.

If your service permit should expire before the Commission issues a final order, the Public Safety Program recommends that under the authority of ORS 471.030, 471.040, 471.313, and 471.730, the Commission issue you a Letter of Reprimand. This reprimand will become a permanent part of your Commission file and would be considered in any future application for a service permit by you.

### **HEARINGS RIGHTS**

You have the right to a hearing to dispute the charge or the proposed suspension or civil penalty. If you want a hearing, please sign and date the enclosed form and return it to the address listed on the form by 5:00 PM on September 8, 2011. Legal aid organizations may be able to assist a party with limited financial resources. Individuals may be represented by an attorney.

Hearings are conducted by the Office of Administrative Hearings under the jurisdiction of the Oregon Liquor Control Commission, according to the Administrative Procedures Act (ORS Chapter 183), Attorney General's Rules for the Office of Administrative Hearings (OAR Chapter 137) and Commission Administrative Rules (OAR Chapter 845 Division 03).

If you do not request a hearing, or if you request a hearing and then withdraw your request, a final order by default will be issued by the Commission Administrator. If you fail to appear at a scheduled hearing, a final order by default will be issued by either the Administrative Law Judge or the Commission Administrator, as authorized by OAR 845-003-0670. In each of these instances, the Commission will designate its file or files in this matter, including all materials you have submitted, as part or all of the record supporting its final order by default.

Once a final order by default is issued, you must serve the suspension or pay the civil penalty as specified below.

### **SERVING THE SUSPENSION / PAYING THE CIVIL PENALTY**

If you choose to pay the \$300.00 civil penalty, mail or bring your payment to the Oregon Liquor Control Commission, Attention Cashier, at the above address before 5:00 PM on October 18, 2011.

If you choose to serve the 12-day suspension, it will begin at 7:00 AM on October 23, 2011, and end at 7:00 AM on November 4, 2011.

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OREGON LIQUOR CONTROL COMMISSION

Anna L. Davis  
Administrative Policy & Process Division

enc.

If you have any questions, call 503-872-5128 or 800-452-6522, extension 5128.

## **CERTIFICATE OF SERVICE**

I certify that on August 9, 2011, I served the attached Notice of Service Permit Suspension / Civil Penalty by certified mail, in a sealed envelope, with first class postage prepaid and by regular mail, in a sealed envelope, with first class postage prepaid, addressed as follows:

Kristina Martin  
PO Box 1695  
Prineville, Oregon 97754

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Karen Maia  
Administrative Specialist  
Administrative Policy & Process Division  
OREGON LIQUOR CONTROL COMMISSION