

# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: [www.portlandoregon.gov/auditor/hearings](http://www.portlandoregon.gov/auditor/hearings)



## HEARINGS OFFICER'S ORDER

CITY OF PORTLAND, petitioner, vs. PALA INVESTMENTS, LLC, respondent(s)

CASE NO. 2110007

[Police Bureau Case No. Unknown]

PROPERTY: 105 NW 3<sup>rd</sup> Avenue

### LEGAL DESCRIPTION:

Tax ID #R140403,

City of Portland, Multnomah County, Oregon

HEARINGS OFFICER: Mr. Gregory J. Frank

### FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A hearing in this appeal case was scheduled to be heard on January 4, 2012. On January 3, 2012, a letter was received, by the Hearings Officer, from Ms. Theresa Marchetti (Exhibit 34). Exhibit 34 indicates that the parties to this case reached a settlement (Exhibit 35). The Hearings Officer admits Exhibits 1 through and including 36 into the evidentiary record. The Hearings Officer makes this decision based upon the admitted documents.

The Hearings Officer reviewed the settlement agreement (Exhibit 35) and finds its terms to be reasonable and appropriate. The Hearings Officer incorporates Exhibit 35 as part of this Order. The Hearings Officer finds that violation of any of the terms set forth in Exhibit 35 shall be considered a violation of this Order and that paragraph 8 of Exhibit 35 shall apply.

### ORDER AND DETERMINATION:


1. The Hearings Officer adopts Exhibit 35 as the Order in this case. Neither party shall be considered the prevailing party.
2. If no request for additional hearing is received by the Hearings Office by 4:00 p.m. on May 4, 2012, this case shall be closed on May 7, 2012.
3. This order has been mailed to the parties on January 5, 2012, and shall become final and effective on January 19, 2012. Any objections to this order must be in writing and received by the Code Hearings Office prior to the effective date.

4. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: January 5, 2012

GJF:rs

Enclosures

---

Gregory J. Frank, Hearings Officer

Exhibit #	Description	Submitted by	Disposition
1	Complain	Reese, Chief Michael	Received
2	Notification List	Reese, Chief Michael	Received
3	OLCC Limited Liability Company Questionnaire - 5/19/10	Reese, Chief Michael	Received
3a	OLCC Limited Liability Company Questionnaire - 9/28/11	Reese, Chief Michael	Received
3b	OLCC Limited Liability Company Questionnaire - 9/27/11	Reese, Chief Michael	Received
4	10/7/11 letter, Stephan Pharo, OLCC to Reese - Request for Emergency Suspension of License	Reese, Chief Michael	Received
5	9/22/11 letter, Reese to Pharo, OLCC - Request for Emergency Suspension of License	Reese, Chief Michael	Received
6	9/14/11 letter, Ed Hamann, Police Bureau to Christopher Lenahan, Barrel Room - Nuisance Activities in Violation of the City of Portland TPM Regulations for Establishments Serving Alcoholic Beverages	Reese, Chief Michael	Received
7	9/20/11 letter, Hamann to Kecia Nathan, Barrel Room - Nuisance Activities in Violation of the City of Portland TPM Regulations for Establishments Serving Alcoholic Beverages	Reese, Chief Michael	Received
8	OLCC License Inquiry	Reese, Chief Michael	Received
9	OLCC Individual History - IMade Nugraha Sukarna	Reese, Chief Michael	Received
10	OLCC Individual History - Kecia Katarine Nathan	Reese, Chief Michael	Received
11	Investigation Report - Officer Jack Hornstein	Reese, Chief Michael	Received
12	Investigation Report - Officer Hornstein	Reese, Chief Michael	Received
12a	Special Report - Officer Samson M. Ajir	Reese, Chief Michael	Received
12b	Special Report - Officer Daniel Barnard	Reese, Chief Michael	Received
12c	Special Report - Officer Barnard	Reese, Chief Michael	Received
13	Special Report - Officer Joshua M. Kraner	Reese, Chief Michael	Received
14	Investigation Report - Officer R. Steinbronn	Reese, Chief Michael	Received
15	Custody Report - Officer Hornstein	Reese, Chief Michael	Received
16	Special Report - Officer Ariana Ridgely	Reese, Chief Michael	Received
17	Special Report - Officer John Andonian	Reese, Chief Michael	Received
18	Special Report - Officer Ridgely	Reese, Chief Michael	Received
19	Investigation Report - Officer Andonian	Reese, Chief Michael	Received
20	Investigation Report - Officer Daniel Barnard	Reese, Chief Michael	Received
21	Special Report - Officer Adrian Matica	Reese, Chief Michael	Received
22	Barrel Room Safety & Security Plan - 9/25/11	Reese, Chief Michael	Received
23	Mailing List	Hearings Office	Received
24	Hearing Notice	Hearings Office	Received
25	Notice of Rights and Procedures	Hearings Office	Received
26	10/31/11-Request to reschedule with attachment	Tufty, Duke	Received
26a	E-mails	Tufty, Duke	Received
27	Hearing Notice	Hearings Office	Received
28	10/31/11 Memo	Marchetti, Theresa	Received
29	11/15/11 Reschedule Request	Tufty, Duke	Received
29a	Email string between Tufty and Marchetti	Tufty, Duke	Received
30	Notice of Hearing	Hearings Office	Received
31	Amended Complaint	Marchetti, Theresa	Received
32	12/13/11 Memo - Request to reschedule	Marchetti, Theresa	Received
33	Hearing Notice	Hearings Office	Received
34	1/3/12 Memo	Marchetti, Theresa	Received
35	Settlement Agreement	Marchetti, Theresa	Received
36	Complaint, dated 12/5/11	Marchetti, Theresa	Received

**RECEIVED**

JAN 03 2012

Settlement agreement

HEARINGS OFFICE

Effective Date: January 4, 2012

Pala Investments LLC dba the Barrel Room ("Pala Investments") and the City of Portland agree to the following terms in full and complete settlement of City Code Violation Complaint Case # 2110007:

1. Jurisdiction. The City and Pala Investments agree that the Hearings Officer has jurisdiction over this matter until the date specified in Section 7 below. Pala Investments admits that a violation of the Portland City Code 14B.120 Time, Place, and Manner Ordinance occurred at the Barrel Room located at 105 NW 3<sup>rd</sup> Ave.
2. Reasonable Actions. The Barrel Room agrees to undertake all reasonable actions necessary and appropriate to prevent the occurrence of future nuisance activities.
3. Alcohol Service. The Barrel Room agrees to:
  - a. Not sell shots of alcohol after 12:00am any night of the week
  - b. Not sell more than one drink at one time to any individual patron. A drink is defined as containing one of the following
    - i. 2 ounces of alcohol
    - ii. 6 ounces of wine
    - iii. 16 ounces of beer
  - c. Schedule training with an OLCC Inspector within thirty (30) days of executing this Agreement. If the OLCC refuses, the Barrel Room will coordinate with the City of Portland to identify reasonable alternative training options within 30 days of their refusal.
4. Operations. The Barrel Room agrees to:
  - a. Designate four (4) individuals to monitor the intoxication level of guests on Friday and Saturday nights.
  - b. Have a manager present on the premises during all operational hours.
  - c. Post a code of conduct regarding employee and guest behavior.
  - d. Not allow any new patrons to enter the premises after 1:30 AM on Friday and Saturday nights.
5. Security. The Barrel Room agrees to:
  - a. Have a minimum of one DPSST certified security at the premises per 50 patrons at all times.

- b. Have a minimum of 2 DPSST certified security at the premises from 8pm to close.
- c. Have one security staff member monitor the area where the portable restrooms are located from 9:00pm to close on Friday and Saturday nights.
- d. Provide headsets to its security team for more effective coordination of security efforts.
6. Term. This Agreement is effective for four (4) months from the Effective Date.
7. The Hearings Officer retains jurisdiction in this case until 4:00pm on May 4, 2012.
8. At any time during the period during which the Hearings Officer retains jurisdiction, the City may set a hearing with the court to present evidence that this order has been violated. If the Hearings Officer finds that the order has been violated, the City and Pala Investments LLC agree that the appropriate remedy is a \$1,000 fine for each proven violation.

Pala Investment, LLC, dba the  
Barrel Room

By: \_\_\_\_\_

Chris Lenahan, Member

Date:

City of Portland

By: \_\_\_\_\_

Theresa Marchetti, ONI  
Liquor Licensing

Date:

City of Portland

By: \_\_\_\_\_

Amalia Alarcon de  
Morris, ONI Director

Date: