

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the Full On-Premises
Sales License Held by:

Zedan Outdoors, LLC
Ramzy Hattar, Managing Member
dba **TAYLOR'S BAR & GRILL**
894 E 13th Avenue
Eugene, OR 97401

) **NOTICE OF PROPOSED**
) **LICENSE CANCELLATION**
) **AND REFUSAL TO RENEW**
) **LICENSE**
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I. LICENSE CANCELLATION

Pursuant to ORS 471.315(1)(a)(A), the Oregon Liquor Control Commission (OLCC or Commission) may cancel or suspend your license or assess a civil penalty for any violation. The Commission has jurisdiction pursuant to ORS 471.040(1) over any person who buys, sells, manufactures, imports or transports any alcoholic liquor within the state. ORS 471.155 requires the Commission to provide for the licensing of persons and cities within the state to manufacture, distribute, take orders for and sell spirits, wine, beer, and other alcoholic liquors.

Commission staff proposes that the Commission cancel your license for the following violations:

Violation Number One

There is a history of serious and persistent problems involving disturbances, unlawful activities, or noise either in the licensed premises at 894 E 13th Avenue, Eugene, Oregon, or involving patrons of the establishment in the immediate vicinity of the premises. This is a violation of ORS 471.315(1)(c). The problems include the following:

1. On or about Saturday, June 3, 2017, at approximately 1:30 am, Eugene Police Department (EPD) officers responded to the licensed premises regarding a report of an assault on a Taylor's employee. When an individual was denied entry into the premises, he backhanded the security staff who would not let him in. The employee wanted to press charges, but the owner instructed him not to because he played football with the suspect's father. EPD CFS #17129410.
2. On or about Saturday, June 3, 2017, at approximately 12:15 am, a patron had her cell phone stolen from out of her purse while she was on the dance floor at the licensed premises. EPD Case #17-08991.

3. On or about Friday, June 16, 2017, at approximately 2:23 am, officers from the University of Oregon Police Department (UOPD) were dispatched to a location one block away from the licensed premises on the report of a motor vehicle accident. The driver had driven up a curb, over a sidewalk, and into concrete steps leading into a building. She admitted that she was leaving the licensed premises, where she had consumed alcohol, when she got into the accident. A breath test revealed a BAC of 0.15%, and she was charged with DUII. UOPD Case #17-0672.
4. On or about Friday, July 14, 2017, at approximately 10:25 pm, complainant reported being assaulted by a member of the security staff at the licensed premises after he refused the complainant entry, purportedly due to the complainant's sexual orientation. He suffered a split lip, and reported that his friend was subsequently assaulted as well. EPD CFS #17168649.
5. On or about Saturday, September 2, 2017, a female patron reported to the EPD that she had two alcoholic beverages at the licensed premises the night before and was not able to remember anything afterwards. A friend saw her being taken from the premises to a taxi by three unknown males. She was going to the hospital to obtain a rape kit exam. EPD CFS #17215180.
6. On or about Saturday, September 30, 2017, at approximately 1:48 am, an EPD sergeant observed a driver veer off the road a block away from the licensed premises and strike a curb, then make a wide turn and drive for a short distance in the opposite lane of travel. Upon being pulled over, the driver stated that she was coming from the licensed premises where she consumed multiple alcoholic beverages, was drunk, and should not be driving. She had a BAC of 0.22% and was charged with DUII. EPD Case #17-16528.
7. On or about Monday, October 2, 2017, a patron reported having her wallet stolen from a table she was standing next to in the licensed premises. EPD Case #17-16658.
8. On or about Saturday, October 14, 2017, at approximately 11:28 pm, EPD officers responded to the report of an assault at the licensed premises. Two brothers, both showing signs of intoxication, became involved in a fight inside the bar and were kicked out. After they left the bar, one of them tried to re-enter the premises and got into a physical altercation with a member of the security staff after he was told he could not come back in. Security staff reported that the patron slapped a member of the security staff and punched him in the face twice before being taken to the ground and detained. The patron reported that the altercation began when one of the security staff put his brother in a choke hold as they were getting kicked out. He claimed he was attempting to push the security

staff off of his brother when the staff member began swinging at him, and he hit back to defend himself. The patron was arrested for assault. EPD Case #17-17401.

9. On or about Saturday, October 28, 2017, a female patron in the licensed premises accepted a drink from an unknown male. She consumed a few sips of it when her sister took the drink away and stated that they should leave. The patron had no memory of anything afterwards until the next morning, when she woke up feeling hung over. She went to the Lane Community College health clinic on the suspicion that an unknown substance was put into her drink, and the clinic then reported it to the Lane Community College Department of Public Safety. Lane Community College Dept. of Public Safety Case #17-000204.
10. On or about Saturday, November 25, 2017, at approximately 12:30 am, a patron of the licensed premises placed a backpack either on the floor or on the bar next to her, and it was stolen while she was waiting for her drink. EPD Case #17-20041.
11. On or about Saturday, December 2, 2017, at approximately 12:20 am, an EPD officer was dispatched to the licensed premises on the report of an assault. Two patrons left the premises and walked around the corner, where one of them was punched and suffered injuries to his face and mouth, including having a tooth nearly knocked out. The other patron was kicked in the head. The suspect was arrested and charged with punching the patron. The suspect had tried to enter the licensed premises earlier, but left when the woman he was with was denied entry for trying to enter with someone else's identification. EPD Case #17-20257.
12. On or about Wednesday, December 13, 2017, at approximately 9:00 pm, a patron had his wallet was stolen from a table in the licensed premises when he left to go to the bathroom. EPD Case #17-20988.
13. On or about Sunday, January 28, 2018, at approximately 2:45 am, EPD and UOPD responded to the licensed premises for a reported assault. An altercation began in the licensed premises when a male patron started yelling at a female patron. The victim of the assault verbally confronted him about his behavior. Afterwards, the victim waited outside the licensed premises until he thought the aggressive patron and the group of people he was with had left, and then walked away. About a block away from the premises, the aggressive patron and several other people believed to have been with him in the bar attacked the victim, resulting in multiple injuries including a fractured orbital bone and partial blindness. UOPD Case #18-0126.

14. On or about Saturday, February 17, 2018, at approximately 2:30 am, EPD responded to the licensed premises on the report of an assault. Two highly intoxicated subjects assaulted another person outside the premises, resulting in the victim suffering a fractured skull and concussion. One of the subjects reported being a patron of the premises before the assault, and the victim was leaving the premises when he ran into the subjects and the assault occurred. EPD Case #18-02784.
15. On or about Saturday, February 24, 2018, at approximately 1:36 am, EPD was dispatched to the licensed premises for a reported fight. They discovered that an altercation occurred between two groups of patrons in the licensed premises, and all involved parties were kicked out of the bar and ended up outside at the same time. A physical fight then broke out between them. EPD Case #18-03191.
16. On or about Saturday, March 3, 2018, at approximately 2:40 am, a UOPD officer was flagged down by the manager of the licensed premises after an intoxicated individual entered an employee-only area near the back door of the licensed premises and pulled down a rack of dishes, causing property damage. The incident was caught on video and the individual was arrested. UOPD Case #18-0268.
17. On or about Wednesday, March 7, 2018, at approximately 10:30 pm, a patron had her phone stolen from her purse while she was inside the licensed premises. EPD Case #18-03911.
18. On or about Sunday, March 18, 2018, at approximately 1:38 am, a female patron in the licensed premises was sexually assaulted by a male patron. While she was standing in the bar, the male approached her and put his hand up her skirt. He then threatened her and threatened to hurt her family if she said anything. The victim stated that everyone involved in the incident was intoxicated. EPD Case #18-04461.
19. On or about Sunday, April 8, 2018, at approximately 11:38 pm, EPD responded to an apartment complex when a neighbor reported that a young child was alone and thought her family was dead. Her mother was identified and contacted by EPD, who returned to the apartment complex with her boyfriend, who was driving. When he got out of the car, the officers noticed he was highly intoxicated. He reported leaving the child at home alone and going to the licensed premises, where he consumed alcoholic beverages, and drove home when the police contacted his girlfriend. He had a BAC of 0.19% and was arrested for DUII. EPD Case #18-05631.

20. On or about Monday, April 16, 2018, a woman reported a possible drugging and/or sexual assault to UOPD. On the night of Saturday, April 14, 2018, she and a friend were at the licensed premises, where she either blacked out from drinking or was drugged, believing it was the latter because of the number of drinks she had. She had no memory of leaving the premises, but believed someone took her from the bar, and she was later found wandering without her possessions and without any knowledge of how she got there. UOPD Case #18-0468.
21. On or about Thursday, April 19, 2018, at approximately 1:35 am, an EPD officer pulled over a driver after observing her pull out of a parking lot behind the licensed premises and drive the wrong way down a one-way street. The driver admitted to having consumed alcoholic beverages at the licensed premises before getting in her car to drive home. During the course of the field sobriety test, the driver's friend, who was a passenger in the car, exited the vehicle and vomited on the ground. The driver had a BAC of 0.19% and was charged with DUII. EPD Case #18-06240.
22. On or about Friday, April 20, 2018, at approximately 2:31 am, an officer from the Springfield Police Department (SPD) pulled over a driver for failing to stay in her lane. She reported that she was coming home from work at the licensed premises, and that she had consumed a cocktail and a shot while there. She had a BAC of 0.16% and was charged with DUII. SPD Case #18-03417.
23. On or about Saturday, April 21, 2018, between approximately 2:00 and 3:00 pm, a patron had her debit card and identification stolen off of a table she was sitting at in the licensed premises. EPD Case #18-06485.
24. On or about Saturday, April 21, 2018, at approximately 2:17 am, EPD responded to the licensed premises after observing signs of disorderly conduct. Two male patrons had been kicked out of the premises for drunken violent behavior, and remained in the area outside the bar where they tried to instigate fights with people and were throwing gang signs. A large fight eventually broke out outside the premises, involving approximately 20 individuals. Officers and security staff from the licensed premises broke it up. EPD Case #18-06369.
25. On or about Sunday, April 29, 2018, at approximately 2:59 am, an EPD officer observed a vehicle pull out of a parking lot two blocks away from the licensed premises, stop abruptly, attempt to reverse down the street back into the parking lot, and hit a parked vehicle. When the officer spoke to the driver, he admitted to drinking alcoholic beverages at the licensed premises before he drove. He had a BAC of 0.14% and was charged with DUII. EPD Case #18-06868.

26. On or about Friday, May 18, 2018, some time between 12:00 am and 2:00 am, a patron of the licensed premises had her phone stolen from her purse while she was there. EPD Case #18-08262.
27. On or about May 31, 2018, at approximately 12:49 am, an EPD officer was dispatched to the licensed premises on the report of an intoxicated person. The officer observed a visibly intoxicated female verbally accosting people on the street outside the premises. She was intoxicated to the point of falling down and was having difficulty standing upright. The complainant saw her drinking inside the licensed premises and called the police because of her level of intoxication. EPD Case #18-08888.
28. On or about Saturday, June 2, 2018, at approximately 1:23 am, a UOPD officer was flagged down around the corner from the licensed premises where several witnesses reported seeing a bartender from the premises strike and knock a man unconscious. The victim had been in the premises earlier and was kicked out for attempting to steal a bottle from behind the bar. He and the bartender who caught him got into a verbal altercation after the bartender kicked him out and escorted him outside of the bar. Angry at what the victim was saying to him, the bartender hit him with a closed fist, causing him to lose consciousness and fall to the pavement, and then returned to work at the licensed premises. UOPD Case #18-0685.
29. On or about Saturday, June 16, 2018, at approximately 1:45 am, an EPD officer contacted a female patron who reported being punched by a male patron earlier in the night while on the dance floor of the licensed premises. She stated that the male patron had made several attempts to dance with her, which she rejected. When he again attempted to dance close to her, she swatted at his beer causing some of it to spill. In response, the male patron hit her with a closed fist on the side of the neck. The officer later spoke to a member of the premises' security staff, who reported that when they approached the male patron to kick him out of the bar, the female patron began hitting him over the head with her cell phone. They were both ejected from the premises. EPD Case #18-09897.

Willingness and Ability

There have been 29 serious incidents in a period of about 14 months, most of which included violence, fighting, and excessive intoxication in the premises or in the immediate vicinity. Several of these incidents resulted in serious injury to patrons, including a dislodged front tooth, a fractured skull, a broken orbital bone, and partial blindness. At least one of the incidents involved suspected gang activity.

OLCC has contacted the Licensee and/or its employees, agents, or representatives on several occasions to discuss problem incidents and provide recommendations on how to better control the premises. On October 2, 2017, an OLCC inspector spoke with the bar manager about reports of female patrons being drugged in the bar, and gave verbal instructions on steps to take to prevent it from happening, identifying visible intoxication, and checking on the welfare of female patrons who have to be assisted out of the bar. The inspector spoke with Licensee on October 11, 2017, and gave him the same verbal instructions. On June 7, 2018, OLCC held an intervention meeting with the Licensee, the bar manager, and representatives from EPD and the Eugene Fire Department. Licensee was provided information about incidents at or in the vicinity of the licensed premises involving over service, visibly intoxicated patrons, fights, DUIIs, and sexual assault.

On July 14, 2018, the City of Eugene sent a letter to the Commission stating that it was providing an unfavorable recommendation for the renewal of Licensee's license based on the history of serious and persistent problems at the premises including public drunkenness, fights, assaults, altercations, over service, disorderly conduct, harassment, theft, unlawful drug sales and other alcohol related offenses.

The number, frequency, and nature of the ongoing incidents that comprise the History of Serious and Persistent Problems demonstrate that Licensee does not have the willingness or ability to adequately control the licensed premises and its patrons' behavior in the immediate vicinity of the premises.

Violation Number Two

On or about June 2, 2018, Licensee permitted disorderly activities on the licensed premises or in areas the Licensee controls that are adjacent to or outside the premises, when Licensee's employee struck a patron after he kicked him out of the bar and knocked him unconscious. This is a violation of OAR 845-006-0347(2)(a).

DETERMINING THE PENALTY

OAR 845-006-0500 defines Violation Number One as a Category I violation and recommends cancellation for the first violation of this type within two years. OAR 845-006-0500(7)(a) and Exhibit 1 to OAR 845-006-0500. This is your first.

OAR 845-006-0347 and OAR 845-006-0500 define Violation Number Two as a Category III violation, and set a 10-day suspension or a \$1,650.00 civil penalty for the first violation of this type within two years. OAR 845-006-0347(2)(e), OAR 845-006-0500(7)(d), and Exhibit 1 to OAR 845-006-0500. 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

Violations Number One and Number Two resulted in injury to a patron. Commission staff propose to aggravate the violation for these circumstances. OAR 845-006-0500(8)(e)(H).

PROPOSED PENALTY

Commission staff recommends that the Commission cancel your license.

If a licensee's interest in the license expires or is transferred before a Final Order is issued, the Public Safety Program recommends that under the authority of ORS 471.318, the Commission issue the licensee a Letter of Reprimand. This reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license by the licensee.

II. REFUSAL TO RENEW LICENSE

The Commission has jurisdiction pursuant to ORS 471.040(1) over any person who buys, sells, manufactures, imports or transports any alcoholic liquor within the state. ORS 471.155 requires the Commission to provide for the licensing of persons and cities within the state to manufacture, distribute, take orders for and sell spirits, wine, beer, and other alcoholic liquors.

Not a Good Record of Compliance

Pursuant to ORS 471.313(4)(g), the Commission may refuse to license any applicant if the Commission has reasonable grounds to believe that the applicant did not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the Commission when previously licensed. Commission staff proposes that the Commission refuse to renew your license for the following pending violations which demonstrate that the applicant does not have a good record of compliance: Violation Number One and Violation Number Two as alleged herein under "I. LICENSE CANCELLATION."

History of Serious and Persistent Problems

Pursuant to ORS 471.313(5), the Commission may refuse to license any applicant if it has reason to believe that there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises or involving patrons of the establishment in the immediate vicinity of the premises. Commission staff proposes that the Commission refuse to renew your license for the problems described in Violation One of this Notice, which constitutes a history of serious and persistent problems. The problems listed in Violation One are incorporated into this section by

reference.

RESPONSIBILITY FOR VIOLATIONS

“Licensee” is defined as including any member of a limited liability company whose membership is 10% or more of the total membership interest or is a manager of a limited liability company, and the principal officers and directors of a corporation and stockholders who own or control 10% or more of any class of stock. OAR 845-006-0301 and OAR 845-006-0475(1)(d). Therefore, Licensee includes Ramzy Hattar, Managing Member of Zedan Outdoors, LLC. Additionally, Zedan Outdoors, LLC and Ramzy Hattar are responsible for the acts and omissions of their employees and representatives in violation of any law affecting license privileges. OAR 845-006-0362.

HEARING RIGHTS

You have the right to a hearing to dispute the charges, the proposed cancellation, or proposed refusal to renew the license. If you want a hearing, please sign and date the enclosed Request for Hearing form and return it to the address listed on the form by 5:00 PM on September 21, 2018. In order for your request for hearing to be timely, it must be postmarked on or before that date, if mailed, or received by that exact time and date, if delivered in person or by fax. Legal aid organizations may be able to assist a party with limited financial resources. **Per OAR 137-003-0550, corporations, partnerships, and limited liability companies must be represented at hearing 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 within the time specified above, you will have waived the right to a contested case hearing. If you do not make a timely request for a hearing, if you request a hearing and then withdraw your request, or if your hearing request is later deemed invalid (for example, under OAR 137-003-0550(4)), 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.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

Once a final order by default is issued, your license will be cancelled and not renewed.

Dated this 22nd day of August, 2018.



Steve Marks
Executive Director
OREGON LIQUOR CONTROL COMMISSION

SM:AC

If you have any questions call 503-872-5131 or 800-452-6522 extension 25131.



OREGON LIQUOR CONTROL COMMISSION

REQUEST FOR HEARING

Taylor's Bar & Grill (F-COM)
Trade Name
Zedan Outdoors, LLC
Name of Corporation/LLC
Additional licensee names
Ramzy Hattar, Managing Member

894 E 13th Avenue
Address
Eugene OR 97401
City State Zip

I request a hearing regarding the Commission's Notice of Proposed License Suspension, Civil Penalty, Cancellation or Letter of Reprimand dated August 22, 2018.

In order to obtain a hearing, this form must be RECEIVED at the address or fax number below by 5:00 p.m. on September 21, 2018. In order for your request for hearing to be timely, it must be postmarked on or before that date, if mailed, or received by that exact time and date, if delivered in person or by fax.

Mail or fax your request to: OLCC
Administrative Policy and Process Division
P.O. Box 22297
Milwaukie, OR 97269-2297
FAX: 503-872-5110

NOTICE: Per OAR137-003-0550, corporations, partnerships, and limited liability companies must be represented at hearing by an attorney. A non-attorney licensee may submit a request for hearing, but an attorney must ratify the hearing request, in writing, within 28 days of the date the hearing request was received by the OLCC to avoid a Final Order by Default. A non-attorney licensee may also negotiate a settlement with the Administrative Policy and Process Division, but this must be completed before the hearing request is due, or, if a hearing has been requested by a non-attorney licensee, then before the hearing request ratification deadline.

Certain charging documents require filing a written answer in addition to this hearing form. Please consult OAR 845-003-0220(2) and -0270(2), (3), (4), (5).

Licensee's or Attorney's Signature

Phone Number

Print Name

Email Address

CERTIFICATE OF SERVICE

I certify that on August 22, 2018, I served the attached Notice of Proposed License Cancellation and Refusal to Renew License 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:

Zedan Outdoors, LLC
Ramzy Hattar, Managing Member
dba **TAYLOR'S BAR & GRILL**
894 E 13th Avenue
Eugene, OR 97401

On the same date I also served Licensee's registered agent by regular mail, in a sealed envelope, with first class postage prepaid, addressed as follows:

Zedan Outdoors, LLC
c/o Ramzy Hattar, **Registered Agent**
529 NW 13th Avenue
Portland, OR 97209



Carolyn Moreno
Compliance Specialist
Administrative Policy & Process Division
OREGON LIQUOR CONTROL COMMISSION