



# Oregon

John A. Kitzhaber, MD, Governor

Liquor Control Commission  
9079 SE McLoughlin Blvd  
Portland, OR 97222-7355  
(503) 872-5000  
(800) 452-6522

November 9, 2013

Dewalt Productions, Inc.  
Rodney Dewalt, President  
dba FONTAINE BLEAU (F-COM)  
237 NE Broadway Street, Ste 300  
Portland, OR 97232

PERSONAL DELIVERY

**ORDER OF IMMEDIATE LICENSE SUSPENSION**  
**and NOTICE OF OPPORTUNITY FOR HEARING**

Your Full On-Premises License is suspended **EFFECTIVE IMMEDIATELY**. You must stop selling alcoholic beverages at 237 NE Broadway Street, Suite 300, Portland, Oregon until further order by the Commission.

This Order of Immediate License Suspension is being issued because continued operation of your premises represents a serious danger to the public health and safety. ORS 183.430(2).

This suspension is based upon the following alleged violation of ORS 471.315(1)(c) and OAR 845-006-0347(2)(b) which the Commission will take action on separately from this Order of Immediate Suspension:

**History of Serious Persistent Problems**

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. This is a violation of ORS 471.315(1)(c). The problems include the following:

On June 2, 2013 at 12:30 am, Portland Police Bureau (PPB) officers responded to a noise call at the premises. As the officers arrived they could hear "loud bass" coming from inside the location and they observed twenty five people loitering by the front door. PPB # 13-44249

On June 23, 2013 at 2:17 am, PPB officers arrested a patron with an outstanding warrant leaving the premises. As the officers contacted the patron he grabbed a pistol from his pants pocket and dropped it on the ground. The patron informed the officers that he was at the premises for his birthday party. PPB # 13-511887



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On July 20, 2013 at 11:38 pm, PPB officers responded to a disturbance call at the licensed premises and arrested a patron for Trespassing II. The patron had pushed and kicked other patrons and thrown chairs before being detained by security personnel. PPB # 13-051187

On August 24, 2013 at 2:12 am, PPB officers responded to a fight call at the licensed premises. When officers arrived they observed a group of fifty to seventy people walking and yelling at each other. Officers also observed a line of cars parked and blocking the right of way in front of the location. When officers checked the interior of the premise they noted an "overwhelming odor of marijuana." PPB # 13-70892

On November 9, 2013 at 12:37 am, PPB officers responded to a large fight at the licensed premises. An event was being held at the licensed premises and the corporate principal, Rodney Dewalt, was present throughout the evening. During the event, patrons became involved in an altercation inside the club. A security guard was struck in the head with a bar stool. The fighting patrons were separated and at least one person was ejected from the club. Shortly after, shots were fired in front of the club on NE 3rd Avenue and NE Broadway. Multiple shots were fired which resulted in over 200 people rushing out of the building in a panic and into the streets. The scene was extremely chaotic, and many of the individuals on the scene were hostile towards police officers. Officers called for a city wide emergency response and officers from all Portland Police Precincts as well as Port of Portland and Multnomah County Sheriff's Department responded. Three individuals were struck by gunfire. Two individuals were injured, with one of the injuries being serious, and one was killed. The deceased was struck directly in front of the licensed premises, approximately 15 feet from the front door.

### Permitting Disorderly Activities

On November 9, 2013, Licensee permitted disorderly activity on the licensed premises or in areas Licensee controls that are adjacent to or outside the premises. On this date, patrons fought inside the licensed premises and multiple shots were fired in the area immediately outside of the license premises following the patrons' ejection. The disorder resulted in a death and a serious physical injury and involved the use of a deadly weapon against another person. OAR 845-006-0347(1)(c) defines disorderly activities as those that harass, threaten or physically harm another person. This is a violation of OAR 845-006-0347(2)(b).

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**SERIOUS DANGER TO THE PUBLIC HEALTH AND SAFETY**

There have been two recent serious incidents at the premises involving firearms. The most recent incident resulted in a fatality and two injuries. Despite the Portland Police Bureau's best efforts to assist the licensee, the licensee has failed to take appropriate steps to abate dangerous activity at the licensed premises.

On August 23, 2013 PPB Sgt. Friedman was contacted by security personnel at the licensed premises. The personnel advised Sgt. Friedman they were hosting an "after party" for a concert that was taking place that night. They advised Sgt. Friedman they were concerned for their own safety and they had considered leaving their employment at the premises. Sgt. Friedman then contacted licensee Rodney DeWalt regarding the safety concerns of security. Mr. DeWalt informed Sgt. Friedman that he agreed with the safety concerns of his security and he intended on changing his format.

On October 10, 2013, representatives from Portland Police, Portland Fire, and the Portland Office of Neighborhood Involvement met with the licensee Rodney DeWalt and his attorney. At this meeting the representatives expressed concerns regarding the on-going problems at the premises. Mr. DeWalt stated that he was not responsible for his patron's behavior once they left his property and he would not provide any oversight for his patron's activities once they left his establishment. Mr. DeWalt also admitted that some of his clientele could cause problems and that he would not expose his security to that type of risk. He stated that he preferred the Portland Police to deal with those issues.

This location has had numerous conversations with Portland Fire Inspector Rob Cruiser regarding capacity issues. Licensee Rodney DeWalt has been informed that his legal capacity is one hundred and fifty five. Mr. DeWalt allowed a crowd of over two hundred patrons inside the licensed premises for the event on November 9, 2013.

On November 9, 2013, Enforcement Director John Eckhart received a letter from Portland Police Captain Mark Kruger requesting that the OLCC immediately suspend the liquor license at Fontaine Bleau. According to ORS 183.430(2), the Commission may immediately suspend a license if it finds a serious danger to the public health or safety. The number and severity of violent incidents at this premises and in the immediate vicinity show that the licensee is not able to control the serious problems which have occurred in and around the premises. These incidents have created a serious danger to the public health and safety. Because the licensee has failed to take immediate and effective action to prevent this danger to the public health and safety, the Commission must impose this immediate suspension to keep the public from further harm.

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**RESPONSIBILITY FOR VIOLATIONS**

"Licensee" is defined as including 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, the licensee includes Rodney Dewalt, President of Dewalt Productions, Inc. Additionally, Dewalt Productions, Inc. is responsible for the acts and omissions of its employees and representatives in violation of any law affecting license privileges (OAR 845-006-0362).

**HEARINGS RIGHTS**

You have the right to a hearing to dispute the Order of Immediate License Suspension and to demand a hearing to be held as soon as practicable to contest the immediate license suspension order. If you want a hearing, please sign and date the enclosed form and return it to the address listed on the form no later than February 7, 2014. Individuals may be represented by an attorney. **Per OAR 137-003-0550, corporations must be represented by an attorney.** Legal aid organizations may be able to assist a party with limited financial resources.

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 90 calendar days of the date of this order, you will have waived your right to a hearing on the Immediate License Suspension.

**OREGON LIQUOR CONTROL COMMISSION**

 for

Steve Marks  
Executive Director

SM:JS

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

## CERTIFICATE OF SERVICE

I certify that on November 9, 2013, I served the attached Order of Immediate Suspension by personal delivery, addressed as follows:

Dewalt Productions, Inc.  
Rodney Dewalt, President and Registered Agent  
dba FONTAINE BLEAU  
237 NE Broadway Street, Ste 300  
Portland, OR 97232

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David Luster  
Oregon Liquor Control Commission