

# MEMORANDUM

December 16, 2008

TO: Lawbook Holders

FROM: Jennifer Huntsman, Rules Coordinator

RE: Commission action on rules – December 2008 meeting

At the December 15, 2008 meeting, the Commissioners took the following actions on rules:

## INITIAL ACTION

- **OAR 845-006-0500 Suspensions and Civil Penalties**

This rule describes the various sanctions the Commission imposes on licensees, including cancellation or suspension of a license, and civil penalties. Staff proposes amendments which would raise Financial Assistance violations to a Category III violation and would also modify the list of possible aggravation and mitigation reasons.

**Action:** The Commission initiated action to amend OAR 845-006-0500 and revise Exhibit 1. A rulemaking hearing is scheduled for February 4, 2009.

- **Private Club Package**

OAR 845-008-0045 (Service to Guests by Full On-Premises Sales Licensees) describes to whom and under what conditions private clubs may sell and serve alcoholic beverages under the privileges of their full on-premises sales license. This rule package would restructure the rules governing the licensing criteria and compliance requirements for private clubs. It would also greatly simplify the requirements rule by eliminating the tracking of different types of events and guest relationships, and also eliminating the need to maintain a guest list.

**Action:** The Commission initiated action to adopt, amend and renumber the Private Club rules in this package. An advisory committee meeting is scheduled for February 17, 2009. A rulemaking hearing is scheduled for April 22, 2009.

## FINAL ACTION

- **OAR 845-010-0154 Small Winery Privilege Tax Exemption**

This rule will describe the time periods that apply when determining if a wine manufacturer meets the small winery definition for purposes of tax exemption. Staff recommended adoption of a new rule providing a look-back period to determine tax exemption rather than looking ahead.

**Action:** The Commission adopted OAR 845-010-0154, effective December 20, 2008.

- **Bottle Bill Package: OAR 845-020-0025 Application for Approval of Redemption Center & OAR 845-020-0035 When Dealer Not Required to Accept Containers**

The 2007 legislature passed Senate Bill (SB) 707 which amends ORS 459A.715 and ORS 459A.735 effective January 1, 2009. These statutory changes remove references to the brand and size of containers that large dealers and redemption centers must accept, leaving only a reference to the kind of beverage that is sold and thus which empty containers must be accepted. The references to kind, size, and brand only remain for small dealers under 5,000 square feet. We needed to amend the two rules in this package to match the new statutory language.

**Action:** The Commission amended OAR 845-020-0025 and OAR 845-020-0035, effective January 1, 2009.

I've attached copies of documents related to this rulemaking. If you have questions about these or other rules matters, please call me at 503-872-5004 or Laura Paul at 503-872-5105.

Att.