

OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
EXHIBIT 1
OAR 845-006-0500 (7)

Note: **Bold and underlined** = new text; *~~italics and strikethrough~~* = deleted text

CATEGORY	1st	2nd	3rd	4th	5th	6th	7th
I	Cancel						
II	30 days	Cancel					
II(a)	10 days	30 days	Cancel				
III	10 days** or \$1650	30 days or \$4950	30 days	Cancel			
III(a)	7 days or \$1155	10 days or \$1650	20 days or \$3300	30 days or \$4950	30 days and \$4950	60 days	90 days
IV	7 days or \$1155	10 days or \$1650	20 days or \$3300	30 days	Cancel		
V	3 days or \$495	7 days or \$1155	10 days or \$1650	20 days or \$3300	30 days	Cancel	

SANCTIONS

*-- These are guidelines only. Commission can impose a different sanction where appropriate.

**-- Amounts are retail, wholesale, and manufacturer licensee civil penalties (\$5000 maximum per violation). Service permittees ~~and off-premises sales employees~~: ~~M~~ultiply days by \$25 (\$500 maximum per violation).

Categories for Most Common Violations

<u>Category I</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	<u>471.155</u>		<u>Failed to maintain a bond (manufacturer/wholesaler)</u>
	471.315(1)(a)(F)		Habit of abuse <u>using to excess</u>
	471.315(1)(a)(I)		Convicted of a felony (<u>Licensee</u>)
	471.385(1)(b)		<u>Convicted of a felony (Service Permittee)</u>
	471.315(1)(c)		History of Serious and Persistent Problems (<u>ORDER ONLY CHANGED</u>)
	471.365(2)		Allowed use of service permit by another
	471.405(1)		Not operating as proposed / operating <u>Sale of alcohol</u> other than as the license permits
		<u>845-005-0355(5)</u>	<u>Restriction violation</u>
		<u>845-005-0400</u>	<u>Failed to maintain liquor liability insurance or bond (On-premises consumption)</u>
		845-006-0475	Failed to notify prior to complete change of ownership/ Allowed interest in business without <u>prior</u> Commission approval

845-006-0481

Failed to notify when permanently ~~Ceased~~ Full On-Premises Sales operation

845-006-~~0361~~-**0498(3)**

Operating while suspended

<u>Category II</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	471.315 (1)(a)(B) 471.385(1)(a) 471.425(1)		Made false statement or representation to induce or prevent Commission action
	471.675		Interfered with investigation
		845-006-0345(1)	Visibly intoxicated Under the influence of intoxicants while on duty
		845-006-0345(2)	Failed to call police at inspector's request
		845-006-0345(4)(a)	Denied inspector/ police officer access to premises (during regular business hours)
		845-006-0345(4)(b)	Failed to promptly admit inspector or police officer (premises is or appears closed)

<u>Category IIa</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	471.316	845-006-0348	Unlawful drug activity on the licensed premises

<u>Category III</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	471.315(1)(a)(I) 471.385(1)(b)		Convicted of a crime other than a felony (Licensee) Convicted of a crime other than a felony (Service Permittee)
	471.360(1)(b)		Allowed sale Permitted mixing/selling/serving, or supervising those who do, without a service permit (ORDER CHANGED)
	471.315(1)(a)(G)		Sold to a visibly intoxicated person (VIP)
	471.410(1)		Knowingly sold/made liquor alcohol available to a visibly intoxicated person (VIP)*
	471.410(2)		Knowingly sold/made liquor alcohol available to a minor
	471.315(1)(a)(G) 471.410(2)		Sold to a minor
	471.130	845-006-0335(1)	Failed to check identification (minor buying or consuming) verify the age of a minor (sale/service) (ORDER CHANGED)
	471.410(2)	845-006-0335(3)(a)	Permitted minor to consume alcohol (ORDER CHANGED)
		845-006-0345(1)	Drinking on duty
		845-006-0345(7)	Drive-up window (Off-premises license)
		845-006-0345(10)	Keqs where minor patronage
		845-006-0345(11)	Prohibited conduct: promotions
	471.425(2)	845-006-0347(2)	Permitted/maintained disorderly activity /establishment Permitted/maintained noisy activity /establishment Permitted/maintained lewd conduct (ORDER CHANGED)

	845-006-0347(3)	Permitted unlawful activity (ORDER CHANGED)
	<u>845-006-0347(5)</u>	<u>Drinking alcohol in parking lot</u>
	<u>845-006-0396</u>	<u>Same day delivery with meal service</u>
	<u>845-006-0398</u>	<u>Next day retail shipment</u>
	<u>845-006-0426</u>	<u>Failed to effectively communicate</u>
471.478	845-006-0441	Failed to comply with keg law (minors or VIPS involved)
	845-006-0460-0469	Food service violation
471.341(8)	845-009-0145(3), (4)	Off-Premises Sales Clerk <u>liquor agent's employee</u> did not complete required training and continued to sell alcohol

<u>Category IIIa</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	471.410(2)		Sold <u>Knowingly sold/made alcohol available</u> to a minor (Responsible Vendors only)
	471.315(1)(a)(G)		
	471.130	845-006-0335(1)	Failed to check identification <u>verify the age of a minor (sale/service)</u> (Responsible Vendors only)

<u>Category IV</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	471.130	845-006-0335(1)	Failed to check identification <u>verify the age of a minor</u> (minor in prohibited area)
	471.351(1)		Failed to permit premises or records inspection
	471.305		<u>Delivered malt beverages to an unlicensed location</u>
	471.365(2)		Failed to verify permittee identification or possession of service permit
	471.405(1)		Delivered to an unlicensed location (not renewal matter)
		845-006-0335(3)(b)	Permitted minor to enter or remain <u>in a prohibited area</u>
		845-006-0335(4)	Permitted minor to work in prohibited area
		845-006-0335(6)	Permitted minor entertainer to mingle <u>in a prohibited area</u>
		845-006-0345(3)	Destroyed or concealed evidence (ORDER ONLY CHANGED)
		<u>845-006-0347(5)</u>	<u>Failed to evict patron</u>
	471.394	845-006-0370	<u>Accepted or provided</u> financial assistance
	471.398	845-013-0001-0110	
		845-006-0425(1)	After hours operation (<u>retail licensees</u>)
		<u>845-015-0140</u>	<u>After hours operation (retail sales agents)</u>
		845-006-0435	Failed to keep required records
		845-010-0170	
		845-013-0001(4)	
		<u>845-006-0450</u>	<u>Retail On-Premises Malt Beverage or Wine Sampling</u>
		<u>845-006-0498(1), (2)(b)</u>	<u>Removed, altered, or covered suspension notice sign</u>
		<u>845-007-0015</u>	<u>Advertising media, coupons</u>
		<u>845-009-0130(2), (5)</u>	<u>Failed to meet training brochure requirements for off-premises employees</u>

845-009-0145(5)(b), (5)(c)

Failed to notify whether Off-Premises Sales Clerk/liquor agent's employee completed clerk training course

471.480(1)

Sale of alcohol by juvenile (Off-premises sales license)

471.482(1)

Sale of alcohol by juvenile (all other sales licenses)

<u>Category V</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
	459A.700 thru 720	845-020-0005 thru 0035	Beverage container violation
		<u>845-006-0340(7)(c)</u>	<u>Failed to post or replace minor postings</u>
	471.175(3)	<u>845-006-0345(5)</u>	Unlawfully permitted liquor <u>an open container of alcohol</u> to leave premises
	471.178(2)&(3) 471.184(1) 471.186(1)		
		845-006-0345(6)	Allowed <u>Permitted</u> unauthorized liquor on premises (ORDER CHANGED)
		845-006-0345(8)	Gave <u>or permitted</u> liquor as a prize
	471.490	845-006-0365(4)	NSF check (<u>licensee used or wholesaler failed to report</u>) (ORDER CHANGED)
	471.495	845-006-0365(2)	Wholesaler failed to report NSF check
		845-006-0475	Corporate licensee failed to advise of change (other than stock)
		845-006-0480(2), (3)	Altered <u>Changes in</u> premises without <u>prior</u> Commission approval or notice
		<u>845-006-0480(4)</u>	<u>Change of trade name without timely notification</u>
		845-006-0481	Failed to notify Commission of <u>temporary</u> closure
		845-007-0020 -0005 thru 0035	Advertising violation <u>restrictions</u>
		<u>845-007-0025</u>	<u>Advertising signs on licensed premises</u>
		<u>845-007-0035</u>	<u>Failed to remove objectionable and nonconforming advertising</u>
		845-008-0045(2)	Private club sold to nonmember

***NOTE: 471.412(4) states that the penalty for the first three violations within a two year period of 471.412(1), allowing a VIP to consume, is a Letter of Reprimand. The fourth violation within a two-year period is treated as a fourth-level Category III violation.**