

PROPOSED AMENDMENT

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

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

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: multiply 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>
	471.155		Failed to maintain a bond (manufacturer/wholesaler)
	471.315(1)(a)(F)		Habit of using to excess
	471.315(1)(a)(I) 471.385(1)(b)		Convicted of a felony (Licensee) Convicted of a felony (Service Permittee)
	471.315(1)(c)		History of serious and persistent problems
	471.365(2)		Allowed use of service permit by another
	471.405(1)		Sale of alcohol other than as license permits
		845-005-0355(5)	Restriction violation
		845-005-0400	Failed to maintain liquor liability insurance or bond (On-premises consumption)

845-006-0475	Failed to notify prior to complete change of ownership/ Allowed interest in business without prior Commission approval
845-006-0481	Failed to notify when permanently ceased Full On-Premises Sales operation
845-006-0498(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)	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 / 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)		Permitted mixing/selling/serving, or supervising those who do, without a service permit
	471.410(1)		Knowingly sold/made alcohol available to a visibly intoxicated person (VIP)*
	471.410(2)		Knowingly sold/made alcohol available to a minor
		845-006-0335(1)	Failed to verify the age of a minor (sale/service)
		845-006-0335(3)(a)	Permitted minor to consume alcohol
		<u>845-006-0340(8)(b)</u>	<u>Failed to follow minor control plan</u>
		845-006-0345(1)	Drinking on duty
		<u>845-006-0345(3)</u>	<u>Destroyed or concealed evidence</u>
		845-006-0345(7)	Drive-up window (Off premises license)
		845-006-0345(10)	Kegs 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

	845-006-0347(3)	Permitted unlawful activity
	845-006-0347(5)	Drinking alcohol in parking lot
<u>471.394</u> <u>471.398</u>	<u>845-006-0370</u> <u>845-013-0001-0110</u>	<u>Accepted or provided financial assistance</u>
	845-006-0396	Same day delivery with meal service
	845-006-0398	Next day retail shipment
	845-006-0426	Failed to effectively communicate
471.478	845-006-0441	Failed to comply with keg law (minors or VIPS involved)
	845-006- 0460 <u>0459</u> -0469	Food service violation
	845-009-0145(3), (4)	Off-Premises Sales clerk/liquor agent's employee 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)		Knowingly sold/made alcohol available to a minor (Responsible Vendors only)
		845-006-0335(1)	Failed to verify the age of a minor (sale/service) (Responsible Vendors only)

<u>Category IV</u>	<u>Statute</u>	<u>Administrative Rule</u>	<u>Violations</u>
		845-006-0335(1)	Failed to verify the age of a minor (minor in prohibited area)
	471.351(1)		Failed to permit premises or records inspection
	471.305		<u>Brewery or Wholesale Malt Beverage and Wine Licensee</u> Delivered malt beverages to an unlicensed location
		845-006-0335(3)(b)	Permitted minor to enter or remain in a prohibited area
		845-006-0335(4)	Permitted minor to work in prohibited area
		845-006-0335(6)	Permitted minor entertainer in a prohibited area
		<u>845-006-0340(8)(c)</u>	<u>Failed to make available minor control plan</u>
		845-006-0345(3)	Destroyed or concealed evidence
		845-006-0347(5)	Failed to evict patron
471.394 471.398	845-006-0370 845-013-0001-0110		Accepted or provided financial assistance
		<u>845-006-0400</u>	<u>Wine Self-Distribution Permittee delivers wine or cider to a non-endorsed retail licensee</u>
		845-006-0425(1)	After hours operation (retail licensees)
		845-015-0140	After hours operation (retail sales agents)
		845-006-0435	Failed to keep required records
		845-010-0170	
		845-013-0001(4)	

	845-006-0450	Retail On-Premises Malt Beverage or Wine Sampling
	845-006-0498(1), (2)(b)	Removed, altered, or covered suspension notice sign
	845-007-0015	Advertising media, coupons
	845-009-0130(2), (5)	Failed to meet training brochure requirements for off-premises employees
	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
		845-006-0340 (7) (9) (c)	Failed to post or replace minor postings
		845-006-0345(5)	Unlawfully permitted an open container of alcohol to leave premises
		845-006-0345(6)	Permitted unauthorized liquor on premises
		845-006-0345(8)	Gave or permitted liquor as a prize
		845-006-0365	NSF check (licensee used or wholesaler failed to report)
		845-006-0475	Corporate licensee failed to advise of change (other than stock)
		845-006-0480(2), (3)	Changes in premises without prior Commission approval or notice
		845-006-0480(4)	Change of trade name without timely notification
		845-006-0481	Failed to notify Commission of temporary closure
		845-007-0020	Advertising restrictions
		845-007-0025	Advertising signs on licensed premises
		845-007-0035	Failed to remove objectionable and nonconforming advertising
		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.