

OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
TEMPORARY EVENTS
PROPOSED AMENDMENTS

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

845-005-0405

Full or Limited On-Premises Licensee Small-Scale Private Catering

(1) ORS 471.184(1) allows the holder of a Full On-Premises Sales or Limited On-Premises Sales license to serve the alcoholic beverages permitted by the license for on-premises consumption **at locations other than the permanently licensed premises** when catering **small-scale** temporary events *at locations other than the licensed premises* where the licensee will furnish food and beverage services for *no more than* 100 **or fewer** guests of the catering client. This rule refers to this type of catering as small-scale private catering.

(2) Definitions. For this rule:

(a) “Bar” means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity;

(b) “Food counter” means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale, or consumption of food;

(c) “License day” means from 7:00 am until 2:30 am on the succeeding calendar day, or any part of a license day.

(d) “Serious violation history” means”

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II, or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(e) “Social game” means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(f) “Video lottery game” means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

~~(2)~~ **(3)** For purposes of this rule, small-scale private catered events are events where:

(a) There is a contract between a client and the licensee to provide **alcohol and food service** for a specific number of guests or participants;

(b) The number of guests or participants is 100 or fewer;

~~(b)~~ **(c)** The licensee is not the client;

~~(c)~~ **(d) Alcoholic B beverage service is only** in conjunction with food service; and

~~(d)~~ **(e) The provision of alcohol at the** catered event must not be ~~of~~ more than one **license** day’s duration unless it **the event** is a closed conference or seminar.

(4) General pre-approval to provide the service of small-scale private catering shall not include any event at a particular location more than one day per week, unless the event is a closed conference or seminar.

(5) An event that doesn’t qualify as a small-scale private catered event under this rule must be approved as a temporary use of an annual license for events at another location under OAR 845-005-0410.

~~(3)~~ **(6)** ORS 471.184(1) authorizes the Commission to grant ~~to qualified licensees general pre-approval of all future small-scale private catering~~ **pre-approval to provide the service of catering small-scale private catered events. Applicants must apply in writing using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to beginning the service of small-scale private catering. The Commission may give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceeding under ORS 183.310 to 183.550.**

~~(4) The licensee’s application for general pre-approval for future small-scale private catering shall be made in writing and include:~~

~~(a) A plan for managing patronage by minors;~~

(7) The licensee's application for pre-approval to provide the service of small-scale private catered events shall be made in writing and include:

(a) A written, dated, and signed plan the Commission determines adequately manages:

(A) All events to prevent problems and violations;

(B) Patronage by minors as set out in subsection (8) of this rule; and

(C) Alcohol consumption by adults.

An application is not complete if this plan is not approved by the Commission. The Commission may use subsection (6) of this rule to refuse to process any application that is not complete;

(b) Identification of the counties and incorporated cities where the licensee will usually cater events authorized under this section;

(c) Identification of any proposed catering location that is owned or controlled by the licensee; *and*

(d) Menu or sample menu showing type of food service proposed to comply with OAR 845-006-0462; **and**

(e) Identification of premises proposed to be licensed if the request is for specific future events.

(8) A plan for managing patronage by minors under subsection (7)(a) of this rule must meet the following requirements:

(a) If the catered licensed premises will be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the permanent license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the catered licensed premises will not be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

(9) Minors are prohibited from the catered licensed premises or portions of the catered licensed premises as follows:

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in an area where there are video lottery games, social games, or nude entertainment or where such activities are visible;

(c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

~~(5)~~ **(10)** The Commission may deny, cancel or restrict temporary off-premises license use for small-scale private catering for any reason for which the Commission may deny, cancel or restrict a regular license.

(11) The Commission may deny, cancel, or restrict temporary off-premises license use for small-scale private catering if the licensee has a serious violation history at small-scale private catering events within the past 36 months.

~~(6) General pre-approval shall not include approval of any event of more than one days duration except as allowed by section (2) (d) of this rule, or approval of small-scale private catering at a particular location more than one day per week. For the purposes of this rule a day is from 7:00 am until 2:30 am on the succeeding calendar day.~~

~~(7)~~ **(12)** Full On-Premises Sales or Limited On-Premises Sales licensees may engage in small-scale private catering without having received general pre-approval if the licensee first has given the Commission specific written notice of each event, which notice is received by the Commission within five calendar days of the event and includes the event date, duration, expected attendance, exact location, and a description of the type of event.

(13) When the Commission approves a written plan under subsection (7)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a Category III violation.

(14) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the small-scale private catering licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

Stat. Auth.: ORS 471, including ORS 471.030, ORS 471.040, ~~ORS &~~ 471.730(1) & ~~ORS 471.730(5)~~

Stats. Implemented: ORS 471.184

845-005-0410

~~***Full or Limited On-Premises Licensee Temporary License Use at Other Locations***~~

Full or Limited On-Premises Licensee Large-Scale Private Catered Events and Temporary Use of an Annual License For Events at Another Location

(1) A person must obtain from the Commission a license or authority to sell alcoholic beverages on premises that the Commission has not licensed. ORS 471.405 establishes a prohibition on the sale of alcoholic beverages without a license or authority. ORS 471.406 defines sale of alcoholic beverages.

~~(2) ORS 471.184(2) allows the holder of a Full On-Premises Sales or Limited On-Premises Sales license to serve the alcoholic beverages permitted by the license for on-premises consumption at temporary events at locations other than the licensed premises after having obtained prior written Commission approval.~~

(2) Definitions. For this rule:

(a) “Bar” means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity;

(b) “Food counter” means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale, or consumption of food;

(c) “License day” means from 7:00 am until 2:30 am on the succeeding calendar day, or any part of a license day.

(d) “Serious violation history” means”

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II, or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(e) “Social game” means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(f) “Video lottery game” means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

~~(2)~~ **(3) ORS 471.184(2) allows the holder of a Full On-Premises Sales or Limited On-Premises Sales license to serve the alcoholic beverages permitted by the license for on-premises consumption at locations other than the permanently licensed premises at large-scale catered events or temporary use of an annual license for events at another location ~~events at locations other than the licensed premises~~ after having obtained prior written Commission approval. This rule refers to these types of events as either large-scale private catered events or temporary use of an annual license for events at another location.**

(4) For purposes of this rule, large-scale private catered events are events that:

(a) Are not open to the general public. However, a large-scale private event may be open to the general public if the purpose of the event is fund raising for a charitable or nonprofit organization that is registered as such with Oregon’s Secretary of State;

(b) Are catered for 101 or more guests or participants;

(c) Have a contract between the client and the licensee to provide alcohol and food service for a specific number of guests or participants;

(d) Have alcoholic beverage service as secondary to and in conjunction with food service at the event;

(e) Have the licensee not as the client; and

(f) Have the provision of alcohol at the catered event be not more than one license day’s duration unless the event is a closed conference or seminar.

(5) An event that doesn’t qualify as a large-scale private catered event under this rule must be approved as a temporary use of an annual license for events at another location under this rule.

(6) For purposes of this rule, temporary use of an annual license for events at another location are events at which the licensee:

(a) Does not have, or is not eligible for, pre-approval to provide the service of small-scale private catering as per OAR 845-005-0405; and

(b) Does not have, or is not eligible for, pre-approval to provide the service of large-scale private catered events as per this rule.

(7) Application.

(a) The Commission may grant pre-approval to provide the service of large-scale private catered events such as weddings, receptions, conferences, company picnics and parties, and company sponsored events.

(b) The Commission may approve the temporary use of an annual license for events at another location.

(c) Applicants for events under this section must apply in writing using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to beginning the service of large-scale private catering or prior to the date of the temporary use event. The Commission may give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceeding under ORS 183.310 to 183.550.

(8) The licensee's application for pre-approval for future large-scale private catered events shall be made in writing and include:

(a) A written, dated, and signed plan the Commission determines adequately manages:

(A) All events to prevent problems and violations;

(B) Patronage by minors as set out in subsection (10) of this rule; and

(C) Alcohol consumption by adults.

An application is not complete if this plan is not approved by the Commission. The Commission may use subsection (7) of this rule to refuse to process any application that is not complete;

(b) A brief description of the types of events to be catered;

(c) Identification of the counties and incorporated cities where the licensee will usually cater events authorized under this section; and

(d) Menu or sample menu showing type of food service proposed to comply with OAR 845-006-0462.

(9) The licensee's application for the temporary use of an annual license for events at another location must be in writing and must be on a separate application form for each event. The Commission will not approve more than seven license days on a single application. The Commission may limit approval of any application to a single license day or to any number of license days fewer than seven days. The application must include:

(a) A written, dated, and signed plan the Commission determines adequately manages:

(A) All events to prevent problems and violations;

(B) Patronage by minors as set out in subsection (10) of this rule; and

(C) Alcohol consumption by adults.

An application is not complete if this plan is not approved by the Commission. The Commission may use subsection (7) of this rule to refuse to process any application that is not complete;

(b) Identification of all individuals to be employed by the licensee to manage the premises proposed for license authority;

(c) Identification of the premises proposed to be licensed;

(d) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall and by minors, and proposed hours of operation;

(e) A written proposal showing compliance with the food service standards of OAR 845-006-0462;

(f) The recommendation of the local governing body where the licensed premises will be located; and

(g) Processing fee established by Commission rule.

(10) A plan for managing patronage by minors under subsections (8)(a) and (9)(a) of this rule must meet the following requirements:

(a) If the catered or temporary use of an annual licensed premises will be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the permanent license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the catered or temporary use of an annual licensed premises will not be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

(11) Minors are prohibited from the catered or temporary use of an annual licensed premises or portions of the licensed premises as follows:

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in an area where there are video lottery games, social games, or nude entertainment or where such activities are visible;

(c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

~~(3) Except for private, large-scale catered events, licensees must apply in writing, using the Commission form provided for this purpose. The Commission may reject any application which is not complete and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.~~

~~(4) For purposes of this rule, private large-scale catered events are events that are not open to the general public, are catered for more than 100 guests or participants, have a contract between the client and the licensee to provide food service for a specific number of guests or participants, beverage service is secondary to and in conjunction with food service at the event, the licensee is not the client, and the catered event is not of more than one days duration unless it is a closed conference or seminar.~~

~~(5) Despite section (4) of this rule, a large-scale catered event that otherwise qualifies under section (4) standards may be open to the general public if the~~

~~purpose of the event is fund raising for a charitable or non-profit organization that is registered as such with the Secretary of State.~~

~~(6) A licensee who does not have general pre-approval for private large-scale events must apply for approval for each event as required by section (11) of this rule.~~

~~(7) The Commission may grant general pre-approval for private, large-scale catered events such as weddings, receptions, conferences, company picnics and parties, and company sponsored events. The application for Commission approval shall be in writing and consist of:~~

~~(a) A brief description of the types of events to be catered;~~

~~(b) A control plan for managing patronage by minors and alcohol consumption by adults;~~

~~(c) Identification of the counties and incorporated cities where the licensee will usually cater events authorized under this section;~~

~~(d) Menu or sample menu showing type of food service proposed to comply with OAR 845-006-0462.~~

~~(8) For large-scale catered events at which more than 500 guests are expected, the licensee shall give the Commission at least five days advance written notice of the event. The notice must include the event date, duration, expected attendance, exact location, and a description of the type of event.~~

~~(9) The Commission may deny or revoke general pre-approval according to the criteria of sections (12) and (13) of this rule.~~

~~(10) Applications that are not for general pre-approval shall be submitted as required by section (11) of this rule. Licensees shall submit separate written applications for events at different locations, and for events at the same location that are not substantially similar with regard to entertainment, alcohol sales emphasis, minor patronage, extent of licensed premises, and hours of proposed alcohol sales and consumption.~~

~~(11) The licensee's application shall include:~~

~~(a) A control plan for managing patronage by minors and alcohol consumption by adults;~~

~~(b) Identification of all individuals to be employed by the licensee to manage the premises proposed for license authority;~~

~~(c) Identification of the premises proposed to be licensed;~~

~~(d) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall and by minors, and proposed hours of operation;~~

~~(e) If the applicant holds a Limited On-Premises Sales license, a statement of the type of food service to be offered and the proposed hours of food service;~~

~~(f) If the applicant is a Full On-Premises Sales licensee, a written proposal showing compliance with the food service standards of OAR 845-006-0462;~~
~~(g) The recommendation of the local governing body or police department where the licensee proposes to use license authority; and~~
~~(h) Processing fee established by Commission rule.~~

(12) The Commission may deny, cancel or restrict temporary off-premises license use for large-scale private catering or temporary use of an annual license at another location for any reason for which the Commission may deny, cancel or restrict a regular license.

(13) The Commission may deny or restrict temporary off-premises license use for large-scale private catering or temporary use of an annual license for events at another location if the applicant has a serious violation history at large-scale private catered events or temporary use of an annual license for events at another location within the past 36 months.

(14) The Commission shall limit the issuance of a temporary use of an annual license for events at another location to the same applicant at the same location to no more than 31 license days from January 1 to December 31 of each year.

(15) When the Commission approves a written plan under subsections (8)(a) or (9)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a Category III violation.

(16) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the large-scale private catering or temporary use licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

~~(12) The Commission may deny approval for any of the following reasons:~~
~~(a) The Commission concludes the licensee's off-premises license use constitutes an on-going business operation;~~
~~(b) The local governing body where the licensee proposes to use license authority recommends denying the request and the reason for the deny recommendation is supported by facts and consistent with the licensing standards of the Liquor Control Act and the Commission's rules, practice and policy;~~
~~(c) There is a basis under ORS 471.313, ORS 471.315, or the rules of the Commission to deny renewal of, suspend, fine or cancel any liquor license held by the applicant in this state;~~
~~(d) The Commission concludes, based on the licensee's compliance record, recent record of problems at licensed premises, or the licensee's proposal, that~~

~~the licensee is unwilling or unable to control temporary off-premises events adequately;~~

~~(e) The application is for a premises that currently holds a liquor license and that premises has been the location of temporary events, authorized under this section, for five or more days within the prior 12 months;~~

~~(f) The application is for license authority at a licensed premises that currently holds the same type of liquor license as is held by the applicant;~~

~~(g) The application is made by a Full On-Premises Sales licensee for use at a location licensed for Limited On-Premises Sales or is for use at a premises that currently holds a Full On-Premises Sales license and the applicant will not comply with the food service standards of OAR 845-006-0460;~~

~~(h) The application is for use at a licensed location where the license is currently suspended.~~

~~(13) The Commission may revoke approval for any of the grounds under which the Commission may deny renewal of a license.~~

~~(14) The Commission may authorize off-premises license use for no more than five days at a particular location. The Commission may grant additional authority for five or fewer days if the licensee's management of the event shows the licensee continues to be an acceptable compliance risk at the location.~~

~~(15) Commission staff investigates non-routine applications for off-premises license use. Non-routine applications include those that propose electronically amplified entertainment, a drinking environment as defined in OAR 845-006-0340(8), an operation that staff concludes requires employment of security personnel, or that has not received an unqualified grant recommendation from the local governing body or its delegated department. Commission staff assesses each application to determine if it is routine or non-routine. Applications must be submitted enough in advance of the event date to allow staff to assess and investigate.~~

~~(a) The Commission may refuse to process any routine application not submitted at least five business days in advance of the proposed event date.~~

~~(b) The Commission may refuse to process any non-routine application not submitted at least fifteen business days prior to the proposed event date if the applicant will operate a drinking environment as defined by OAR 845-006-0340(8).~~

~~(c) The Commission may refuse to process any non-routine application not submitted at least twenty-five business days prior to the proposed event date, if prior to the submission of the application, Commission staff provide notice to the applicant or the applicant's representative that staff's investigation will include assessment of public safety or neighborhood impact matters, or the risk of disturbances or liquor law violations at the location proposed to be licensed.~~

~~(16) Submission of an application within the time lines stated in section (15) of this rule does not guarantee the Commission will have the resources to complete investigation of the application prior to the applications requested date(s).~~

~~(17) Alcohol servers at locations licensed under this rule must hold valid service permits.~~

Stat. Auth.: ORS 471, including ~~ORS~~ 471.030, ~~ORS~~ 471.040, ~~ORS~~ & 471.730(1) & ~~ORS~~ 471.730(5)

Stats. Implemented: ORS 471.184(2)

845-005-0415

Special Event Winery and Special Event Grower Sales Licenses

(1) ORS 471.223 authorizes the Commission to issue a Special Events Winery license to a Winery licensee. The special license may allow the licensee to sell wine, malt beverages and cider **allowed to be sold under the permanent Winery license** at retail for consumption on or off the licensed premises at a location other than that designated as the winery's **permanently** licensed premises ~~for a period not to exceed five consecutive days.~~

(2) ORS 471.227 authorizes the Commission to issue a Special Events Grower ~~Sales~~ license to a Grower Sales Privilege licensee. The special license may allow the licensee to sell wine and cider **allowed to be sold under the permanent Grower Sales Privilege license** at retail for consumption on or off the licensed premises at a location other than that designated as the grower's **permanently** licensed premises ~~for a period not to exceed five consecutive days.~~

(3) Definitions. For this rule:

(a) "Bar" means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity;

(b) "Food counter" means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale, or consumption of food;

(c) "License day" means from 7:00 am until 2:30 am on the succeeding calendar day. The license fee is \$10.00 per license day or any part of a license day.

(d) "Serious violation history" means"

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the

circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II, or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(e) “Social game” means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(f) “Video lottery game” means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

(4) The Commission will not approve more than seven license days on a single application. The Commission may limit approval of any application to a single license day or to any number of license days fewer than seven days.

(5) Applicants must apply in writing for a Special Event Winery or Special Event Grower license, using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to the event date. The Commission may give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceeding under ORS 183.310 to 183.550.

~~(3)~~ (6) Any special license application shall be made in writing and include The application for a special license under this rule shall include:

~~(a) A control plan for managing patronage by minors and alcohol consumption by adults;~~

(a) A written, dated, and signed plan the Commission determines adequately manages:

(A) The event to prevent problems and violations;

(B) Patronage by minors as set out in subsection (7) of this rule; and

(C) Alcohol consumption by adults.

An application is not complete if this plan is not approved by the Commission. The Commission may use subsection (5) of this rule to refuse to process any application that is not complete;

(b) Identification of the individuals to be employed by the licensee to manage ~~events applied for under this section~~ **the event proposed in the application;**

(c) Identification of the premises proposed to be licensed;

(d) Menu and proposal showing compliance with the food service standards of OAR 845-006-0465;

(e) Statement of the type of event to be licensed, type and extent of entertainment to be offered, ~~extent of~~ expected patronage overall and by minors, type of food service to be offered, proposed hours of food service, and proposed hours of operation;

(f) The recommendation in writing of the local governing body where the licensed premises will be located; and

~~(f)~~ **(g)** License fees as established by ORS 471.311.

~~(4) Applicants must apply in writing using the Commission form provided for this purpose. The Commission may reject any application not completed fully and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.~~

(7) A plan for managing patronage by minors under subsection (6)(a) of this rule must meet the following requirements:

(a) If the special license will be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the permanent license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the special license will not be on any part of a premises, room, or area with a permanent license issued by the Commission, the Commission must be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

(8) Minors are prohibited from the special licensed premises or portions of the licensed premises as follows:

(a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;

(b) Minors may not be in an area where there are video lottery games, social games, or nude entertainment or where such activities are visible;

(c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

~~(5)~~ **(9)** The Commission may deny, cancel or restrict a special license for any reason for which the Commission may deny, cancel or restrict a regular license.

(10) The Commission may deny or restrict a special license if the applicant has a serious violation history at events previously licensed with a special license within the past 36 months.

(11) The Commission shall limit the issuance of a special license to the same applicant at the same location to no more than 31 license days from January 1 to December 31 of each year.

~~(6) Commission staff investigates non-routine applications for special licenses. Non-routine applications include those that propose electronically amplified entertainment, a drinking environment as defined in OAR 845-006-0340, an operation that staff concludes requires employment of security personnel, or that has not received an unqualified grant recommendation from the local governing body or its delegated department. Commission staff assesses each application to determine if it is routine or non-routine. Applications must be submitted enough in advance of the event date to allow staff assessment and investigation:~~

~~(a) The Commission may refuse to process any routine application not submitted at least five business days in advance of the proposed event date;~~

~~(b) The Commission may refuse to process any non-routine application not submitted at least fifteen business days prior to the proposed event date if the applicant will operate a drinking environment as defined by OAR 845-006-0340;~~

~~(c) The Commission may refuse to process any non-routine application not submitted at least twenty-five business days prior to the proposed event date if prior to the submission of the application Commission staff provide notice to the applicant or the applicant's representative that investigation of the application will require assessment of public safety or neighborhood impact matters, or the risk of disturbances or liquor law violations at the location proposed to be licensed.~~

~~(7) Submission of an application within the time lines stated in subsection (6) of this rule does not guarantee the Commission will have the resources to complete investigation of the application prior to the applications requested date(s).~~

~~(8)~~ **(12)** The Commission may refund the special license fee if the application is withdrawn by the applicant or denied by the Commission, or if the event does not take place because of circumstances beyond the licensee's control, or if the Commission determines the applicant does not need a license for the event proposed in the application.

(13) When the Commission approves a written plan under subsection (6)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a Category III violation.

(14) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)
Stats. Implemented: ORS 471.223, 471.227