

Legislative Solutions Workgroup

OLCC Main Office
9079 SE McLoughlin Blvd.
Milwaukie, Oregon

October 6, 2010
10:30-12:00 PM

Held at Oregon Liquor Control Commission
9079 SE McLoughlin Blvd
Portland, OR
Room 103A

Minutes by: Andrea Mooney

COMMITTEE MEMBERS IN ATTENDANCE:

Judy Craine, Chris Girard, Charlie Thorpe, Charlie Harris, David Barenberg, Janice Krem, Michael Iwai, Linda Fisher-Lewis, Dave Barenberg, Theresa Marchetti, Scott Winkels, Steve Moore,

OLCC MEMBERS IN ATTENDANCE:

Farshad Allahdadi, Tom Erwin, Linda Ignowski, Judith Bracanovich

ADMINISTRATIVE STAFF IN ATTENDANCE:

Andrea Mooney

INTRODUCTIONS AND OVERVIEW OF AGENDA: Introductions made by each committee member. No additions to the agenda.

APPROVAL OF LAST MEETING MINUTES:

Motion made by Judy Craine to accept the September 1, 2010 minutes with amendment included (suggestion from group to allow a portion of the application fee be put towards the license fee). Motion seconded by Chris Girard. The minutes from the September 1, 2010 approved with amendment.

LEGISLATIVE CONCEPTS:

LC 540- Allows cities or counties to adopt limits on numbers of premises within city or county limits that OLCC may license for full, limited, or off-premises sales of alcoholic beverages.

Clearly defining saturation is the main issue, but is a difficult thing to do. Right now the draft language allows a city to operate within the city and a county to operate within unincorporated

areas. This is not practical because the problem is not just based on numbers, it's also density. Also, even if you limit the licensees by a certain number, this does not necessarily stop the existing licensees from expanding in size of establishment and customers.

There is also some concern over the cost. Currently, police departments/cities/counties are already losing money due to alcohol related incidents (DUI accidents and arrests and domestic disputes). A study is currently being done on this and Scott Winkels can share it when it is complete. Regarding using off-duty police officers in the saturation areas, it is legal, but is not allowed very often due to liability.

Some members of the workgroup suggest amending this concept to identify saturation by district and sub-categories within counties.

Another member of the workgroup expressed concerns about allowing sub-divisions for potentially limiting the numbers of licensees within specific sections of a city or county, without concurrently determining the criteria for doing so.

MASTERLIST UPDATE:

Item 440 - OLCC to have access to "No Alcohol" restrictions on probation/parolees/other offenders (Michael Iwai)

Michael Iwai would like the OLCC to be able to run full background checks on all applicants to check for alcohol restrictions placed on their records (directive from the courts prohibiting frequenting bars/taverns, consuming alcohol, and being near alcohol). Per ORS, OLCC investigators and inspectors have full access to LEDS and can run criminal history checks (with justification), but according to our LEDS contract, the OLCC can do only in-state checks for license investigations (both in **and** out-of-state checks can be ran for criminal investigations). Our statutory language also states that checks can be run for license investigative purposes "in this state", **not** "in any other state".

The only mechanism to allow licensing to do-out-of state checks is to do fingerprinting. There is a statute that allows this for full-on and limited on premises licensees. This would then give license investigators access to out-of-state records.

Even if inspectors run a background check for a criminal case and they find information or we get permission from applicants to run an out-of-state check (through the application process), we have to be able to use the information as a basis for denial (denial criteria). There are currently no criteria for failing to abide by parole restrictions/probations. We have to look at the history of habit and abuse of alcohol or felonies; one incident that caused the alcohol restriction is not likely to be enough to deny. Because our criteria are limited, the OLCC is currently looking at opening up this statute. It will probably take a couple of years since we are not submitting a concept this session, but could be ready for the next session (2013).

Since the licensing workgroup is already working on opening this up, it was suggested that this item be moved to that group. Once Licensing works out the details, they can send it back to the legislation workgroup.

Motion to move this item to the Licensing Innovation workgroup made by Michael Iwai. Judy Craine seconds. All in favor.

NEXT STEPS:

- **Next Meeting agenda**
 - **On-going topics:**
 - Approval of last meeting minutes
 - Masterlist update
 - **New topics:**
 - Scheduled for November 3, 2010 from 10:30 to noon.