



## TEMPORARY SALES LICENSE (TSL) APPLICATION GUIDE

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### **I'm holding a special event that will include alcohol. Do I need a liquor license?**

Are you making alcohol available **and** either requiring payment or purchase, or accepting donations of money, for:

- Alcohol;
- Entry or admission; or
- Any other product or service?

If yes, a liquor license from the OLCC is needed.

If you are making alcohol available, but there is no payment or purchase required, and no donations of money are accepted, for alcohol, or for entry/admission, or for any other product or service, a liquor license is not needed. (An example is a wedding reception where you make alcohol available, but you don't require payment or purchase and don't accept donations of money.)

If you are not the person making alcohol available, a liquor license is not needed. (An example is a food vendor at an event where alcohol is made available and another person has a liquor license, but the food vendor does not make the alcohol available and the person with the license is responsible for all sale and service of alcohol and any violations that may happen.)

### **What are some examples of when a liquor license is needed?**

- Selling malt beverages, wine, cider, or distilled spirits for drinking in a licensed area
- Selling malt beverages, wine, or cider in manufacturer-sealed containers for drinking off of the licensed area (selling manufacturer-sealed containers of distilled spirits by auction or any other means is not allowed). Under a TSL, you may allow patrons to open a manufacturer-sealed container in the licensed area and consume it within the licensed area, but you are still responsible for any violations that happen (for example, an adult patron giving alcohol to a minor). You may not permit any open containers of alcohol to leave the licensed area.
- Making alcohol available and selling tickets, requiring payment or purchase, or accepting donations of money for: admission; membership; club dues; food or a meal; open house; fundraiser; entertainment function; or other event. Because a

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payment is required to receive something or to attend an event and alcohol is made available, a liquor license is needed for the time alcohol will be available

- Selling raffle tickets and wine will be a prize at the raffle. Because a payment is required to purchase the raffle ticket, a liquor license is needed for the time that the drawing is held and the winner is determined. Please note that ORS 471.408 (2) allows only a nonprofit or charitable organization that is registered with the State of Oregon to conduct a raffle, and then, only for the raffle of wine (raffling malt beverages, cider, or distilled spirits is not allowed). Raffle tickets for wine may not be sold to minors because alcohol may not be delivered to the minor if the minor wins.
- Selling manufacturer-sealed containers of malt beverages, wine, or cider by means of an auction (selling manufacturer-sealed containers of distilled spirits by auction or any other means is not allowed). Because a payment is required to obtain the alcohol, a liquor license is needed for the time that the alcohol will be auctioned. (However, a nonprofit organization may sell malt beverages, wine, or cider at auction once in a 12 month period without a liquor license. The nonprofit must first obtain written approval from the OLCC. Contact your local OLCC office for more information.)

### **I need a liquor license for my special event. What kind of license should I get?**

The type of liquor license to obtain is called a Temporary Sales License (TSL). A TSL allows the sale of distilled spirits, malt beverages, wine, and cider for drinking within a license area. It also allows for the sale of manufacturer-sealed containers of malt beverage, wine, and cider for drinking off the licensed area.

### **Who should be the applicant for the TSL?**

Any person or organization must be the applicant for a TSL when making alcohol available at an event **and**:

- Requiring purchase or payment for alcohol, for entry/admission, or for any other product or service; or
- Accepting donations of money for alcohol, for entry/admission, or for any other product or service.

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If more than one person or organization is required to be an applicant, list all as an applicant or have each person or organization complete a separate TSL application form.

### **What will be the licensed area?**

The OLCC will license the area where alcohol will be sold or consumed. The licensed area is also called the licensed premises.

The sale, service, and consumption of alcohol is allowed only within the licensed area. Open containers of alcohol are not allowed to leave the licensed area; however, manufacturer-sealed containers of malt beverages, wine, and cider are allowed to leave the licensed area.

Sometimes, you may have an event that has areas (like craft booths, food booths, music stages, amusement rides, etc.) where you don't want to allow the sale, service, and consumption of alcohol. For those events, the OLCC will license only the area where the alcohol will be sold or consumed.

As part of your application, you will be required to identify the licensed area and the boundaries of the licensed area.

### **Identifying the licensed area and the boundaries of the licensed area**

As part of approving a TSL application, the OLCC is required to make sure that the licensed area is clearly defined and the boundaries are clearly identified.

Showing the licensed area and describing how the boundaries will be identified is usually not difficult when the licensed area is a building, room, or area with boundaries clearly defined by such things as a wall or fence.

For areas with no clearly defined boundaries, such as an outdoor licensed area, showing the licensed area and describing how the boundaries will be identified can be more challenging.

1. For a licensed area with all boundaries made up of permanent barriers, use item #13 on the TSL application form to describe the licensed area(s). (Please note that even in these circumstances including a drawing showing the licensed area and describing how the boundaries of the licensed area will be identified will help the OLCC process the application quickly.) Here are some examples:

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- The licensed area is the entire inside of the building at the address listed in item #11.
  - The licensed area is room #123 inside the building at the address listed in item #11.
  - The license area is the conference room, the exhibit hall, and the front lobby inside the building at the address listed in #11.
2. For a licensed area where some or all of boundaries are not made up of permanent barriers, you must submit a drawing showing the licensed area(s) and describing how the boundaries of the licensed area(s) will be identified.

A form on which to submit a drawing of the licensed area is available on the OLCC's web site at [www.oregon.gov/olcc](http://www.oregon.gov/olcc) under "Get a Liquor License." Click on the "Applications, Guides and Forms for Licensing Special Events" link.

### Boundaries of a licensed area

When some or all of the boundaries of the licensed area will not be permanent, and you or the OLCC will require the licensed area to be enclosed, you must use a barrier of sufficient height, sturdiness, and immovability that will allow people to enter and exit only through specific points. Examples are a fence, a double-fence (sometimes called a "moat system"), a wall, and a tent. A sufficient barrier will also help to prevent alcohol from leaving the licensed area (open containers of alcohol may never leave the licensed area; however, manufacturer-sealed may leave the licensed area under some circumstances).

Such a structure can be portable (set-up and take-down) but it should not be easily moveable after it is set-up. Low height and low sturdiness will tend to make the structure less reliable as a barrier (and may require you to use more people to monitor it to make sure that it is serving its purpose).

Note that the type of barriers used to identify the boundaries of the licensed area can be the same type of barriers used to identify the boundaries of a confined area within a licensed area (the purpose of a confined area is usually to prohibit minors from entering the area and to prohibit alcohol from leaving the area).

### **Developing a written plan to adequately manage a TSL licensed area**

You must submit a written plan convincing the OLCC that you will adequately manage the area(s) where alcohol will be sold or consumed to:

1. Prevent problems and violations;

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2. Prevent minors from obtaining alcohol and from gaining access to any portion of the licensed area prohibited to minors; and
3. Control alcohol consumption by adults.

“Minor” means a person under the age of 21. When a licensed area is prohibited to minors, this means that all minors are prohibited from the licensed area unless any of the following exceptions apply:

- A minor vendor or contractor, who is other than the licensee’s employee and who has a legitimate business purpose, may be in an area prohibited to minors, but only during the time it takes to perform the specific job function. Examples of this include a minor plumber making repairs and a minor vendor making a product delivery.
- A minor entertainer who qualifies under OAR 845-006-0335(6).
- If the licensee permits it, a minor patron may be in the immediate company of his/her spouse or domestic partner who is at least 21 years of age; however, the minor may not buy, possess, or drink alcoholic beverages.
- If your event has licensed areas prohibited to minors **and** licensed areas where minors are allowed, minor employees and minor service permittees working in the area where minors are allowed may enter the area prohibited to minors to perform specific job functions, but only during the time it takes to perform the specific job function. Those specific job functions are: order and pick up drinks (but **not** mix or pour drinks) for service in areas where minors are allowed; restock supplies; set and clear tables; and deliver food orders (but **not** take food orders). If your event has only a licensed area that is prohibited to minors, this exception will not apply to your event (this means minor employees and minor service permittees may not be in the area prohibited to minors).

What are some ideas for preventing minor patrons from obtaining alcohol and from gaining access to any portion of the licensed area prohibited to minors?

For a licensed area prohibited to minors (also know as a “confined” area):

- Confine the sale, service, and consumption of alcohol to an area and then prohibit minors from entering that area and prohibit alcohol from leaving that area

For a licensed area where minors are allowed and where adults will be allowed to walk around the entire licensed area while consuming alcohol:

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- Limit the number of alcoholic drinks one person can have at one time
- Limit the amount of alcohol in one drink
- Don't sell pitchers of beer, buckets of beer, carafes of wine, or other single containers holding large quantities of alcohol
- Limit the time when the sale, service, and consumption of alcohol will be allowed
- Prohibit minors from certain times
- Containers used to serve alcoholic beverages for consumption in the licensed area will be of a different color and type when compared to containers used to serve nonalcoholic beverages
- Have a level of lighting at all times sufficient to monitor patrons (for example, a level of lighting sufficient to read common newspaper print)
- Have a sufficient number of people at all times to adequately monitor patrons
- Use machines to check ID
- Require minors to be accompanied by a parent or guardian
- Have a method for identifying adults and minors (such as wristbands, hand-stamping, etc.)

### Developing an Adequate Plan

If the expected attendance in the area where alcohol will be sold or consumed (the licensed area) is 501 or more per day, you must:

- Complete the OLCC form "PLAN TO MANAGE SPECIAL EVENTS" (available on the OLCC's web site at [www.oregon.gov/olcc](http://www.oregon.gov/olcc) under the title "Get a Liquor License" and then "Applications, Guides and Forms for Licensing Special Events"); **and**
- Submit the completed form with your TSL application to the OLCC.

For other applicants (those expecting 500 or fewer attendees per day in the area where alcohol will be sold or consumed), you may:

- Use item #18 on the TSL application form to write out your plan; **or**
- If item #18 isn't adequate to explain your plan, you may use the OLCC form "PLAN TO MANAGE SPECIAL EVENTS" and submit the completed form with your application to the OLCC; **or**
- Submit a separate written, dated, and signed plan with your application to the OLCC.

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Please note that sometimes, in order to convince the OLCC that you will adequately manage the licensed area, the OLCC may require more details in addition to your answers to question #18, your completed PLAN TO MANAGE SPECIAL EVENTS form, or any other information you submitted regarding how you will manage the licensed area.

Examples of times when the OLCC may require more detailed information, even if the expected attendance in the licensed area is 500 or fewer per day, include a licensed area: projecting an emphasis on alcohol consumption; projecting an emphasis on entertainment; or proposing to allow minors and alcohol together in the same area.

### **DPSST certification requirements for security professionals**

The Oregon Department of Public Safety Standards and Training (DPSST) administers the certification/licensure of private security professionals in accordance with ORS 181.870-991. The private security industry is regulated to ensure that the interests of the public are adequately served and protected and to uphold the professionalism and integrity of the industry.

A person acting as a private security professional without DPSST certification may be cited criminally by the police.

A TSL licensee who uses a private security professional without DPSST certification may be sanctioned administratively by the OLCC.

### **Who must be certified by the DPSST as a private security professional?**

A private security professional is an individual who performs, as the individual's primary responsibility, any one or combination of security services as described below. If these duties are performed for consideration, the individual must be certified by the DPSST:

- The observation and reporting of any unlawful activity;
- The prevention of theft or misappropriation of any goods, money or other items of value;
- The protection of individuals or property, including but not limited to proprietary information, from harm or misappropriation;
- The control of access to premises being protected;
- The taking of enforcement action by lawfully detaining persons or placing persons under citizens arrest;
- Providing canine services for the purposes of guarding or detection; or

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- Taking enforcement action by detaining or placing persons under arrest as authorized by the person's employer as part of the person's employment. ORS 133.225.

### How does a person apply for a security professional certification or license?

An applicant must complete an application packet, attend required training, and submit forms and fees to DPSST for processing. Applications are available from the DPSST Private Security Unit via:

- The DPPST website at [www.oregon.gov/DPSST](http://www.oregon.gov/DPSST)
- Phone at 503-378-8531

The application packet includes an application and two fingerprint cards. Training can be obtained from certified Private Security Instructors. Upon request to DPSST, a list of instructors will be sent to you by DPSST.

### **Requirements for a licensed area expecting a daily attendance of 2,000 or more**

If the expected attendance per day in the area(s) where alcohol will be sold or consumed is 2,000 or more, the OLCC form "PLAN TO MANAGE SPECIAL EVENTS" must be completed to show you meet the following minimum requirements:

- Alcohol Monitors: For 2,000 to 7,500 people, at least three Alcohol Monitors. For each additional one to 2,500 people, at least one more Alcohol Monitor. One additional Alcohol Monitor for each point of sale that is not readily visible to the minimum number of Alcohol Monitors already required ("point of sale" means each stand, booth, or other concession area where alcoholic beverages are sold and served).
  - "Alcohol Monitor" means a licensee's employee or agent who monitors the sale and consumption of alcoholic beverages, supplementing alcohol servers and security staff. Alcohol Monitors are responsible for ensuring that unlawful sales, service, and consumption of alcoholic beverages do not occur on the licensed premises. Alcohol Monitors duties include observing people, monitoring their alcohol consumption, looking for minors who are consuming alcoholic beverages, and preventing visibly intoxicated persons and minors from consuming alcoholic beverages.
  - Alcohol Monitors must wear clothing or other designation, such as a button, which readily identifies them to the public as Alcohol Monitors.

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The OLCC will determine if the designation you propose to readily identify Alcohol Monitors is adequate for the circumstances of your event.

- The service permit requirements for Alcohol Monitors are described in the section addressing service permit requirements.
- Approved Containers for On-Premises Consumption: Alcoholic beverages for consumption in the licensed area must be served as follows:
  - Malt beverages:
    - In a container no larger than 16 ounces; or
    - If for a tasting, no more than three ounces of malt beverage in a container no larger than 16 ounces.
  - Wine:
    - No more than six ounces of wine in a container no larger than 24 ounces; or
    - If for a tasting, no more than 1 ½ ounces of wine in a container no larger than 24 ounces; or
    - A bottle of wine no larger than 750 ml sold for more than one person and for on-premises consumption only, with containers no larger than 24 ounces.
  - Distilled Spirits:
    - No more than one ounce of distilled spirits without mixer in a container no larger than four ounces; or
    - No more than one ounce of distilled spirits with mixer in a container no larger than 12 ounces.
  - Cider:
    - In a container no larger than 16 ounces;
    - If for a tasting, no more than three ounces of cider in a container no larger than 16 ounces;

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- A bottle of cider no larger than 750 ml sod for more than one person and for on-premises consumption only.
- Container Color or Type: Containers used to serve alcoholic beverages must be of a visibly and distinctively different color or type when compared to containers used to serve nonalcoholic beverages.
- Limits on Alcohol Sales:
  - Each purchaser of alcoholic beverages may buy no more than two approved containers (as explained above and other than bottles of wine or cider) at any one time **for consumption on the premises**.
  - Each purchaser of alcoholic beverages may buy no more than one bottle of wine or cider no larger than 750 ml **for consumption on the premises** at any one time (there is no limit on the number of manufacturer-sealed containers of malt beverages, wine, or cider meant for consumption off the licensed premises that a licensee can sell at any one time).
  - If it is reasonably projected that 30 percent or more of the people at the event will be between 15 and 20 years of age, the licensee must limit the sale of alcoholic beverages to a confined area where minors are prohibited. (Note that applicants may qualify for an exception to this requirement by working with OLCC staff.)

### **What are the Service Permit requirements for a TSL?**

Generally, any person serving alcohol in the licensed area, and any person managing those servers, must have an issued and valid service permit. Also, Alcohol Monitors must generally have an issued and valid service permit. However, the following exceptions apply:

- A nonprofit or charitable organization with a Registry Number issued by the Oregon Secretary of State's office may use servers and managers who don't hold a service permit (this does not apply to Alcohol Monitors) as long as these people have attended training provided by the applicant and have read, signed, and dated the OLCC provided brochure "What Every Volunteer Alcohol Server Needs to Know, available on the OLCC's web site under the "Applications, Guides and Forms for Licensing Special Events" link. (Note: a nonprofit or charitable organization registered with the State of Oregon may find its Registry Number on the Oregon Secretary of State's web site at [www.sos.state.or.us/](http://www.sos.state.or.us/).)

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- A licensee using a TSL only for the sale of manufacturer-sealed containers of malt beverages, wine, or cider for consumption off of the licensed premises may use people who don't hold a service permit. Please note that "tastings" are considered consumption. This means that even if only "tastings" are offered, this exception does not apply and so the licensee must meet the appropriate service permit requirements.
- Alcohol Monitors must have an issued and valid service permit unless they are uncompensated volunteers for a TSL licensee and are directly supervised on the licensed premises by an individual who has successfully completed an Alcohol Server Education course within the last five years.

In addition, the Commission may waive the service permit requirement if the Commission concludes alcohol service by individuals who do not hold a service permit does not pose a significant risk for public safety problems or non-compliance with liquor laws **and** each alcoholic beverage point of sale at the licensed location is staffed, at all times alcoholic beverages are being sold or served, by an individual who has successfully completed an Alcohol Server Education course within 5 years prior to the date of the event.

### **What are the food requirements for a TSL?**

You, or your food service provider or providers, must provide food items **at all times and in all areas** where alcohol is sold or consumed. If you serve distilled spirits, at least three different types of substantial snack food items must be provided. If you do not serve distilled spirits, at least two different substantial snack food or appetizer items must be provided.

The OLCC will determine which food items count as "different" and "substantial."

Different and substantial snack food or appetizer items could include:

- Food items that are offered together as a main course or entrée. These items will have at least one main food item (such as beef, pork, chicken, fish, pasta, rice, etc.) and at least one other food item (such as vegetable, bread, etc.) served as a separate side dish; or
- Food items that are offered as "stand-alone" (either one item or multiple items mixed together) and without a separate side dish. Examples include hamburgers, hot dogs, sausages, chicken strips, sandwiches, burritos, pizza, rice, pasta, potatoes (including french fries), fruit, vegetables, and soup.

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Chips, crackers, nuts, and popcorn are examples of snack food that is not substantial. Cheese and crackers are one substantial food item only if served together and could count towards one of the required food items.

Separate food items served together as a main course or entrée could have more than one “different” and “substantial” food item. What are some examples?

- A spaghetti and garlic bread dinner is two substantial food items
- A steak, potato, and green beans dinner is three substantial food items
- A hamburger with french fries is two substantial food items

Food items served as a “stand-alone” (either one item or multiple items mixed together) could be one “substantial” food item. What are some examples?

- A hamburger is one substantial food item
- A rice dish with chicken and vegetables mixed in together is one substantial food item
- A burrito containing chicken, beans, and rice is one substantial food item

### **How does my organization qualify as a nonprofit or charitable organization that is registered with the State of Oregon?**

Contact the Oregon Secretary of State’s office at [www.sos.state.or.us/](http://www.sos.state.or.us/) (if your organization is already registered as a nonprofit or charitable organization with the State of Oregon, you may also use this web site to find your Registry Number).

### **Who qualifies as a nonprofit organization in order to receive donations of items and services from a wholesaler/manufacture of alcohol?**

- A nonprofit or charitable organization that is registered with the State of Oregon
- A political committee that has filed a statement of organization under ORS 260.039 or 260.042
- A state agency
- A local government, or an agency or department of local government

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### **What items and services can a wholesaler/manufacturer of alcohol donate or provide to a nonprofit organization with a TSL?**

Oregon law allows a manufacturer/wholesaler (supplier) of alcohol to donate or provide the following products and services to a nonprofit organization holding a TSL:

- Malt beverage, wine or cider. This alcohol may be provided for free, at a discounted price, or at the regular price. Any of this alcohol manufactured in Oregon may be directly donated by the supplier. Any of this alcohol manufactured outside of Oregon is required to come into Oregon through an Oregon licensed wholesaler
- Distilled spirits. This alcohol may be provided for free, at a discounted price, or at the regular price. The manufacturer or its representative must obtain this alcohol through the OLCC
- Credit or cash refund for unsold product
- Services to support the product. This includes employees with valid service permits or a successfully completed server education class in the last five years to sell or serve the alcohol product
- Interior/exterior display banners (no size limits)
- Equipment (which may be provided for no more than ten days). This is picnic pumps, cold plates, tub, refrigerated vans, refrigerated trailers, and refrigerated draft systems

### **How do I start the process of obtaining a TSL?**

Contact the OLCC office regulating the county in which your event will happen to learn more about the requirements of a TSL and how to submit an application.

Please note that TSL applications can take several days for the OLCC to process. Even for events that seem routine, the OLCC may need up to 10 days to process the application. For other events, like large events, it may take the OLCC more than 10 days to process the application. Please submit your application to the OLCC in plenty of time prior to your event to allow the OLCC time to process it.

After you complete a TSL application, but before submitting it to the OLCC, you will likely need to get it signed by the local governing body (usually city or county) in which

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your event will happen. The local governing body may have requirements that you will need to meet.

When you submit your application to the OLCC, you will work with your OLCC representative to address issues such as: whether or not minors will be allowed to attend the event, and if yes, where and when; the type and amount of food you will make available; if you will need to obtain and provide proof of liquor liability insurance; and what control measures you will have in place to prevent liquor law violations.

### **What is the contact information for the OLCC offices?**

Portland (Main) Office (503-872-5070)

9079 SE McLoughlin Blvd.

PO Box 22297

Portland, Or 97269-2297

Regulates these counties: Clackamas, Columbia, Hood River, Multnomah, Wasco, and Washington

Bend Office (541-388-6292)

2146 NE 4th Street, Suite 160

Bend, OR 97701

Regulates these counties: Crook, Deschutes, Harney, Jefferson, and Wheeler

Coos Bay Office (541-266-7601)

500 Central

PO Box 1176

Coos Bay, Or 97420

Regulates these counties: Coos and Curry

Eugene Office (541-686-7739)

927 Country Club Rd, #200

Eugene, Or 97401

Regulates these counties: Benton, Lane and Lincoln

Klamath Falls (541-883-5600)

107 S. 7<sup>th</sup>

Klamath Falls, Or 97601

Regulates these counties: Klamath and Lake

Medford Office (541-776-6191)

15 Crater Lake Ave.

Medford, Or 97504

Regulates these counties: Jackson and Josephine

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Pendleton Office (541-276-7841)

700 SE Emigrant St. Suite 140, #12

Pendleton, Or 97801

Regulates these counties: Baker, Grant, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wallowa.

Roseburg Office (541-440-3362)

251 NE Garden Valley Blvd. #A3

Roseburg, Or 97470

Regulates this county: Douglas

Salem Office (503-378-4871)

200 Hawthorne Ave SE, Suite #B210

Salem, OR 97301

Regulates these counties: Linn, Marion, Polk and Yamhill

Warrenton Office (503-861-3912)

10050 Hwy 101 #A

PO Box 967

Warrenton, Or 97146

Regulates these counties: Clatsop and Tillamook