

**OREGON LIQUOR CONTROL COMMISSION
MINUTES**

January 14, 2011

Friday, January 14, 2011

10:00 A.M. The Commissioners present were Alex Duarte Bob Rice, Ron Roome, Cassandra SkinnerLopata and Chairman Phil Lang. Others present were Executive Director Steve Pharo and Deputy Director Rudy Williams and members of staff.

Minutes – Commissioner Roome moved to approve the minutes of the December 3, 2010 and December 16-17, 2010 commission meetings. **Passed 5/0.**

PUBLIC FORUM

No one was present for Public Forum.

COMPLIANCE

Becky Voelkel, Administrative Policy and Process Division presented.

There were 8 stipulated settlement agreements before the commissioners for ratification; Wasson Brothers Winery LLC; Shari's Management Corporation dba Shari's of Garden Home; Lee's Dragon Gate Restaurant, Inc. dba Onion Grill Restaurant; Norpac Management, LLC dba River Lodge and Grill; Coastal Associates, Inc. dba BK Mulligan's; RLN Corporation, dba The Colony Pub; Oregon Restaurant Services, Inc. dba Bradley's Bar and Grill.

Commissioner SkinnerLopata moved to ratify the 8 settlement agreements as presented.

Passed 5/0.

LICENSE MATTERS

Dan Croy, License Services Division presented.

Service Permit Refusals- There were ten service permit refusals before the Commissioners for ratification.

Commissioner Roome moved to ratify the ten service permit refusals as presented under Tab 1A. **Passed 5/0**

RETAIL SERVICES

Brian Flemming, Retail Services Director, presented

Store Relocation – 1049 , Lakeside.

Agent Heidi Heller is requesting site approval to relocate the Lakeside liquor store into a larger retail space. The location will move from 215 S. Eighth to 105 South Eighth Street in Lakeside.

The following individuals appeared before the Commission in opposition of the relocation of Agency 1049 Lakeside; Retiring agent Bob Edwards, Mayor Ed Gowan, Ronald Ross, Representative from Concerned Citizens of Lakeside, Dean Warner.

Chairman Lang asked about the statement Mayor Gowan said regarding the proposed location and that the Commission had considered it once before. Mayor Gowan stated he thought it was back in the 70's.

Commissioner Duarte asked for clarification as to the status of the Mayor Rod Schilling and Mayor Ed Gowan who appeared before the Commission today. Mayor Gowan stated he was elected the Mayor of Lakeside during the last election and he was sworn into office as of January 13, 2011.

Commissioner Duarte asked Ronald Ross for clarification as to his relationship to Ms. Tina Ross. Ronald Ross stated he is Tina's father in law.

Commissioner SkinnerLopata asked Retail Services Director Brian Flemming if retired agent Bob Edwards owns the current location of the old liquor store. Brian Flemming responded that yes this building currently is owned by retired agent Bob Edwards.

Commissioner Roome asked Retail Services Director Brian Flemming if the mold issue that the proposed location is on record of having is being addressed. Brian Flemming responded stating that Ms. Heller is aware of the issue and has a plan outlined to address the issue and bring the building up to code.

Convened to Executive Session to consider agent relocation pursuant to the authority of ORS 192.66(2)(A)

Reconvened: 11:00

Commissioner Duarte moved to grant the relocation of the liquor store for agency 1049 Lakeside from 215 S. Eighth to 105 South Eighth Street in Lakeside Oregon.

Commissioner Duarte stated he finds this a very unfortunate situation here and has been very unfair character assassination of Ms. Heidi Heller and that the witnesses who appeared before the board of commissioners today the lack of candor of those witnesses.

Commissioner Rice echoed and reinforced Commissioner Duarte's points and he himself has been to Lakeside and has visited both locations identified today. Commissioner Rice added that both locations appear appropriate. He shared his experience growing up in a small community such as Lakeside, and that members of the community would welcome a new person into the community and he hopes the community of Lakeside will find it within themselves to welcome the new agent into their community.

Commissioner Roome agreed with the comments of his fellow commissioners and feels the community should welcome Ms. Heller.

Commissioner Skinner also supported the comments of her colleagues.

Passed 5/0.

RULES

PETITION FOR RULEMAKING/POSSIBLE INITIAL ACTION

OAR 845-006-0396 Requirements for Same-Day and Next-Day Retail Delivery of Malt Beverages to a Resident of Oregon.

Jennifer Huntsman, OLCC Rules Coordinator presented.

Mick Guinn (Buzz Delivery Owner) submitted a petition requesting amendment of this rule, which describes the requirements for same-day and next-day retail delivery of malt beverages to a resident of Oregon. The petitioner requests to amend this rule by deleting language in section (5) which currently contains limitations for same-day delivery. The petitioner instead proposes to add language allowing unlimited amounts of malt beverage

to be delivered to a resident until 2:00 a.m., with no order placement deadline. The public comment received was attached in Mrs. Huntsman's report.

The following individuals appeared before the Commission in favor of the petition; Mick Guinn Buzz Delivery Owner.

The following individuals appeared before the Commission in opposition of the petition; Tom Parker, Communications Director of Oregon Partnership.

Commissioner SkinnerLopata moved to deny the petition to amend OAR 845-006-0396.
Passed 5/0.

Adjourned

Phil Lang, Chairman

Alex Duarte, Commissioner

Bob Rice, Commissioner

Ron Roome, Commissioner

Cassandra SkinnerLopata, Commissioner

Stephen A. Pharo, Executive Director
and Secretary to the Commissioners