BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the Request for Alteration of Premises by:	)	
Jack E. and Kaye A. Briggs WRANGLER'S SALOON 332 N. Coast Highway Newport, Oregon 97365 - - - - - - - - - - - - - - Lincoln County	)	FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing in the above matter was held on the 22nd day of July, 1982, in Newport, Oregon, before Hearings Examiner Allen R. Scott. Licensee Jack E. Briggs was present and was not represented by legal counsel. The Commission was not represented by legal counsel. The Commission having considered the record of the hearing, the Proposed Order of the Hearings Examiner, and the entirety of the Criteria for the Issuance and Maintenance of Licenses and applicable statutes and regulations, enters the following:

FINDINGS OF FACT

1. Licensees have held a Dispenser Class A (DA) license at the WRANGLER'S SALOON at all times relevant to these Findings of Fact.

2. On December 12, 1981, Licensees sent a letter to the OLCC requesting permission for the following changes: to increase seating in the dining room from 40 to 51; to close the lower gaming room.

3. On January 21, 1982, the Commission's Staff observed that the following changes had been made by Licensees:

1) The game room had been closed.

2) A pool table formerly in the game room had been moved to the lounge.

3) Two poker tables formerly in the game room were now located in the lounge.

4) The table seating in the dining room had been increased to 46.

5) A portable bar had been moved to the dining room from the game room. The bar had eight stools.

4. On March 5, 1982, the Staff of the OLCC sent Licensees a letter entitled "Request Consideration--Alteration of Premises/Change in Operation." The letter states, in pertinent part:

> "The license staff has reviewed your request to close the game room and move the pool table and two poker tables into the lounge area, place a portable bar with eight stools in the dining room and increase table seating in the dining room from 40 to 46.
>
> OAR Chapter 845-05-040(3)(e)(B). The staff is of the opinion that this request, if approved would allow the premises to be operated primarily as a tavern rather than as a restaurant, as indicated by factors emphasizing the sale of alcoholic liquor to a greater degree than food service. In addition, the staff felt that the proposed remodeling would result in the premises not being conducive to the general public and family dining as required by the definition of a 'commercial establishment' as indicated in ORS 472.010."

5. On March 22, 1982, Licensees wrote a letter to the Commission referring to the Staff's letter of March 5, 1982, and stating: "I request a hearing on the above request."

6. At the hearing on this matter, the representatives of the Commission's Staff indicated that the Staff's only actual objection was to the placement of a bar or counter in the dining room. The Staff did not object to the other changes referred to in the March 5, 1982 letter from the Staff.

7. Prior to the hearing, Licensees had removed the bar/counter from the dining room and had disposed of it. They no longer seek to install that particular bar/counter in the dining room.

DISCUSSION

The testimony at the hearing indicated that there was apparently some confusion as to the specific request for remodeling and as to the issues in the hearing. However, the evidence eventually established that the only objection the Staff had was to the introduction of a counter or bar-like structure in the dining room. The other aspects of Licensees' modification were not opposed by the Staff. Licensees indicated that they have since removed the bar and do not now request that it be placed in the dining room.

To clarify the matter, the Commission makes the recommendation below.

FINAL ORDER

It is hereby ordered that the request for alteration of premises by Jack E. and Kaye A. Briggs, in the trade name Wrangler's Saloon, 332 SW Coast Highway, Newport, Oregon 97365, to:

1. Close the existing game room; and

2. Move the pool tables and poker tables from the game room into the lounge area; and

3. Increase the dining room seating from 40 to 46 seats.

be APPROVED.

It is further ordered that due notice of such action, stating the reasons therefor, be given as provided by law.

Dated this 20th day of June, 1983.

C. Dean Smith
Administrator
OREGON LIQUOR CONTROL COMMISSION

NOTICE: You are entitled to Judicial Review of this Order. Judicial Review may be obtained by filing a Petition for Review within 60 days from the service of this Order. Judicial Review is pursuant to the Provisions of ORS Chapter 183.