BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the Proposed Cancellation of the Service Permit held by: Thomas Edward Gibson aka Wiley T. Gipson 10104 SE Harold Portland, Oregon 97266 - - - - - - - - - - - - - - - Multnomah County	)	FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing in the above matter was held on the 11th day of April, 1984, in Portland, Oregon, before Hearings Examiner Allen R. Scott. The Licensee was not present and was not represented by legal counsel. The Commission was not represented by legal counsel.

The Hearings Examiner, having considered the record of the hearing, the applicable law and regulations and being fully advised, issued a Proposed Order dated May 15, 1984.

No Exceptions were filed to the Proposed Order within the fifteen (15) day period specified in OAR 845-03-050.

RECORD OF PREVIOUS VIOLATIONS

DATE	OFFENSE	DISPOSITION
8-22-83	Permitted minor to enter and remain; permitted minor to consume	5 days suspension

Now, therefore, the Commission hereby adopts the Proposed Order of the Hearings Examiner as the Final Order of the Commission, and enters the following:

FINDINGS OF FACT

1. THOMAS EDWARD GIBSON has held a service permit at all times relevant to this findings of fact.

2. Permittee has been charged with violation of ORS 471.385(1)(a) (made false statements in the application).

3. On May 30, 1983, Thomas Edward Gibson completed an application for a service permit and submitted it to the OLCC.

4. Mr. Gibson listed his name on the application as Wiley Thomas Gipson.

5. Question 5a on the application is as follows: "Have you been convicted (including probation, sentencing, or bail forfeiture) of any crime, violation, or infraction of any law? Include traffic violations with a fine or bail of $50.00 or more." Mr. Gibson answered "no" to this question.

6. Mr. Gibson has, in fact, been convicted of the following:

DATE	CHARGE	DISPOSITION
Nov 1962	Burglary	2 Years
Apr 1965	Attempted Fraud	3 Years Probation
Jan 1971	Attempt, Dangerous Drugs	1 to 5 Years
Jun 7, 1977	Theft I	12 months suspended sentence; 24 months probation
Jul 1981	Tampering with Drug Records	5 Years Probation

7. The Commission sent appropriate notice of the date and time and place of the hearing to Permittee at his last known address.

DISCUSSION

The true identity of the service permittee was established through fingerprint records and through photographs.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commission may revoke or suspend a service permit, or impose a monetary penalty in lieu of or in addition to suspension, if it finds or has reasonable grounds to

believe that the permittee has made any false statements in the application for the permit. ORS 471.385(1)(a).

The evidence establishes that Thomas Edward Gibson made false statements with respect to his name and criminal record on the application for a service permit.

The Commission's Enforcement Division has asserted that the nature and seriousness of the false statements constitute aggravating circumstances. The Commission agrees.

It is hereby concluded that Thomas Edward Gibson, aka Wiley Thomas Gipson, has violated ORS 471.385(1)(a) (false statements in the application).

FINAL ORDER

It is hereby ordered that the service permit in the name Wiley Thomas Gipson, held by Thomas Edward Gibson, aka Wiley Thomas Gipson, 10104 SE Harold, Portland, Oregon 97226 be CANCELLED.

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

Dated this 4th day of June, 1984.

Allen R. Scott
Hearings Examiner
Hearings Division

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.