



2. King has been charged by the Commission with violating OAR 845-06-035(2)(b) (permitting minor to enter and remain) and 845-06-035(5) (failure to check identification or take statement of age).

3. On October 12, 1983, at about midnight, Hillsboro Police Officer Charles Johnson entered Shenanigan's after seeing a car in the parking lot which he knew belonged to a minor, Tina Long. Inside, he observed Long playing pool with a friend, Candace Armstrong. The pool table was brightly lit and was 20 to 25 feet from the bar where King was working.

4. King was on duty that night and had begun his shift at 6:00 p.m. Licensee's manager had left before Johnson entered. There was no doorchecker on duty when Johnson arrived.

5. Tina Long's date of birth is November 27, 1962; she was 20 on the night of the alleged violation. Candace Armstrong's date of birth is November 20, 1963; she was 19 on the night of the alleged violation.

6. At the hearing of the above charges, Long appeared to be 20 and Armstrong appeared to be 22.

7. Long had been on the premises since 9:00 or 9:30 p.m. She showed King two traffic citations in someone else's name for identification. King did not request further proof of age.

8. Long had been going to Shenanigan's once a week for two or three months to compete in the premises' weekly lip-synching contest. She had been previously introduced to King by another bartender in September 1983, when he started working for Shenanigan's. King had also seen Long sitting with one of

the premises' owners the night of October 12, 1983, and on other occasions.

9. King regularly checks patrons' identification.

#### DISCUSSION

At the hearing both King and Long denied telling Johnson that Long had shown King the citation forms for identification. King stated he did not ask her for I.D. because he recognized her, and because he assumed she was 21 due to her acquaintanceship with another bartender and with one of the Licensee's owners. Johnson's testimony on this point is more credible than is either King's or Long's, particularly because of corroborating entries in a written police report made on October 13, 1983, immediately after the incident.

#### ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. No licensee or permittee employed by such licensee shall permit a minor, whether or not accompanied by a parent or guardian, to enter or remain upon the licensed premises, or a portion of the licensed premises that has been posted by the Commission as provided by Rule 845-06-040 as being prohibited to the use of minors, except as provided by Sections (3) and (4) of this rule. OAR 845-06-035(2)(b).

Thomas King permitted Tina Long to remain on licensed premises for a number of hours. The fact that King examined Long's identification establishes that she appeared to be less than 21 years of age.

2. Licensees, permittees or employees of licensees must examine all documents submitted as evidence of age and identity by persons of questionable age, as required by ORS 471.130, and shall be responsible for accurately recording the information on

statement of age forms. Licensees, permittees or employees of licensees must reject any document that has obviously been altered or erased or is obviously not the document of the person offering it, and shall refuse to sell or serve any alcoholic liquor to the person offering the altered, erased or falsely represented document. OAR 845-06-035(5).

All licensees and permittees of the Commission, before selling or serving alcoholic liquor to any person about whom there is any reasonable doubt of the person's having reached 21 years of age, shall require such person to produce the person's motor vehicle operator's license or if the license does not bear a photograph of the operator, then an identification card issued to the person under ORS 482.900. However, if the person has no motor vehicle operator's license or an identification card, the permittee or licensee shall require such person to make a written statement of age and furnish evidence of the person's true age and identity. ORS 471.130(1).

Thomas King accepted as identification, two traffic citation copies, and did not require further age documentation or require Tina Long to make a written statement of age. Copies of traffic citations are insufficient to meet the age identification requirement of ORS 471.130(1).

#### ULTIMATE CONCLUSIONS OF LAW

Thomas King violated OAR 845-06-035(2)(b) (permitted minor to enter and remain) and 845-06-035(5) (failed to check identification or take statement of age). King's testimony that he had seen and been introduced to the minor under circumstances which indicated she was over 21 is not mitigating; the fact that he examined some form of identification from her suggests he suspected she may have been a minor.

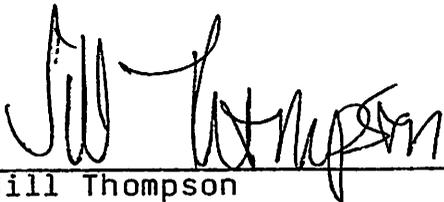
FINAL ORDER

It is hereby ordered that the service permit held by Thomas C. King, 12240 NE Siskiyou, No. 1, Portland, Oregon, be SUSPENDED for three (3) days or that permittee pay a \$75 fine in lieu of suspension.

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

If you choose to pay the fine it must be paid within ten (10) days of the date of this Order, otherwise the suspension must be served.

Dated this 16th day of July, 1984



Jill Thompson  
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.