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BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)	
Application for an Extension)	
of License Privileges by:)	FINAL
)	FINDINGS OF FACT,
National Sports Organization, Inc.)	CONCLUSIONS OF LAW,
MEDFORD A'S)	AND ORDER
1801 S. Pacific Highway)	
Medford, Oregon 97501)	
- - - - -)	
Jackson County)	

A hearing in the above matter was held on the 4th day of January, 1984, in Medford, Oregon, before Hearings Examiner Jill Thompson. The Licensee appeared in person 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 April 17, 1984.

FINDINGS OF FACT

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

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

1. Applicant currently holds a Retail Malt Beverage (RMB) license for the Medford A's, 1801 S. Pacific Highway, Medford, Oregon. The A's are a minor league farm of the Oakland A's major league baseball club. Applicant wishes to sell

beer in the ball park stands; its current license limits beer sales to concession booths below the stands.

2. The Commission denied the application on the basis of ORS 471.295(1) (not demanded by public interest), stating that Applicant had no plans to control consumption by minors or other alcohol-related problems and that Applicant had misrepresented to the City of Medford that the OLCC had already approved the extension of privileges. The Commission also stated that Applicant had previously been notified by the Enforcement Division of reports of minors drinking at A's games.

3. Applicant has had an RMB license since June, 1982. The team plays at a county-owned park, which it leases, located in Medford. The A's season runs from mid-June to the first week in September. All its games are played at night and end by 10:00 or 10:30 p.m. Average attendance per game is 1700. Applicant also has beer and wine concession rights for non-A's events held at the park.

4. During ball games security and crowd control in the stands are provided by an off-duty deputy sheriff, a county park ranger and the team manager; the manager is a former local high school Athletic Director who has experience with crowd control.

5. On July 7, 1983 Applicant's representative sent a letter to the Medford City Council which stated the following:

The [OLCC] has granted the Medford A's the permission to sell beer in the stands at Miles Field. They have requested that we give the City of Medford and the County of

Jackson this information and ask for permission from these governing bodies.

At the present time we are selling food items and soft drinks in the stands. . . .

6. The team's manager, who wrote the letter, believed, after conversations with OLCC field staff, that approval of this kind of request was only contingent on a favorable local endorsement.

7. The City of Medford wrote to the OLCC on July 12, 1983, stating that the City Council on July 12 "did by minute action indicate its awareness and permission, subject to OLCC regulations and approval" for Applicant to sell beer in the park stands during ball games.

8. On July 13, 1983 Jackson County wrote to the team manager, stating:

The Jackson County Board of Commissioners continues to be concerned about the sale of alcoholic beverages to under-aged or intoxicated individuals. It is felt that it may be possible to provide better surveillance of the problem if vendors are located in the stands. Therefore, you have Jackson County's permission to sell beer in the stands at Miles Field.

9. During the summer of 1982 OLCC Enforcement Inspector Quadros encountered two minors in a parking lot outside the park, drinking bottled beer. He did not inform the A's of this occurrence. The A's do not sell bottled beer.

10. In July 1983 a Phoenix, Oregon police officer arrested a 19 year-old woman for drunk driving at about 1:30 a.m. She told the officer that she had been drinking wine

earlier that night at an A's game. After receiving a copy of the police report Inspector Quadros notified applicant's manager of its contents. No citation was issued by the OLCC against Applicant.

11. Inspector Quadros has attended two or three A's games and has never seen a violation of OLCC laws or regulations during these visits. The inspector feels that this may be attributable to the fact that he had to show his OLCC identification at the gate in order to get free admission.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission may refuse to license any applicant if it has reasonable ground to believe any of the following to be true:

(1) That there are sufficient licensed premises in the locality set out in the application or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. ORS 471.295(1).

1. Applicant plans to control against consumption by minors and other conduct prohibited by the OLCC. In addition to the service permittees in the stands, applicant will have a police officer, a park ranger and its manager, whose sole responsibilities will be to patrol the stands in order to prevent alcohol-related, and other, impermissible conduct. The Commission concludes that applicant is prepared and able to contend with potential problems arising from sales in the stands, and that such sale is not contrary to the public interest.

2. Applicant stated in its letter to the City of Medford that it had received OLCC permission to sell beer in the

stands. In the same letter it also stated it could not proceed with those sales without receiving city and county governing body permission. Because the latter statement establishes that final OLCC approval had not been granted, applicant cannot be found to have attempted to mislead the city. Nor do the responses of the city and the county suggest a misapprehension about the status of the application. Although applicant's perception of Commission procedure may have been inaccurate, the Commission concludes that applicant did not attempt to misrepresent the status of its application, and thus that its actions were not contrary to the public interest.

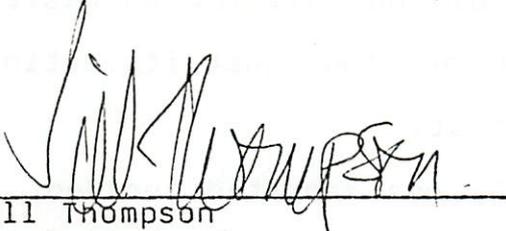
3. Applicant was aware of only one reported incident of consumption by minors at the ballpark, and has never been cited for alcohol-related violations of any kind. An OLCC inspector did not observe any violations during the two or three games he attended. Although the inspector's identity was known to at least the gate attendant, there is no evidence supporting a conclusion that applicant operated any differently than usual during those occasions, or that its service permittees were aware of the inspector's presence. The Commission concludes that applicant is not indifferent to the possibility that minors may attempt to buy or consume alcoholic beverages in the stands, and that applicant has a policy and procedure to prevent such activity, and that there is no evidence that extension of Applicant's privileges will result in consumption by minors.

FINAL ORDER

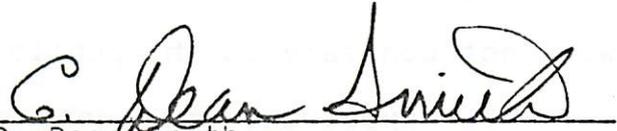
It is hereby ordered that the application for extension of RMB license privileges by National Sports Organization, Inc., at the Medford A's, 1801 S. Pacific Highway, Medford, Oregon be GRANTED with the condition that it be exercised during A's ball games only.

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

Dated this 7th day of May, 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.