

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Proposed Suspension of the)
Package Store (PS))
License held by:) FINAL
) FINDINGS OF FACT,
Mohammad H. and) CONCLUSIONS OF LAW,
Norsama Shahabzadah) AND ORDER
NEIGHBORS MARKET)
9061 NE Sandy Boulevard)
Portland, Oregon 97220)
- - - - -)
Multnomah County)

A hearing in the above matter was held on the 13th day of October, 1983, in Portland, Oregon, before Hearings Examiner Jill Thompson. The Licensees appeared in person and were not represented by legal counsel. The Commission was not represented by legal counsel.

RECORD OF PREVIOUS VIOLATIONS

NONE.

On March 27, 1984 the Commission considered the record of the hearing, the applicable law and regulations, the Proposed Order of the Hearings Examiner, and Exceptions to the Proposed Order of the Hearings Examiner. Being fully advised, the Commission makes the following:

FINDINGS OF FACT

1. Mohammad H. and Norsama Shahabzadah have held a Package Store (PS) license at NEIGHBORS MARKET, 9061 NE Sandy Boulevard, Portland, Oregon, since March, 1983.

2. Licensees have been charged by the Commission with violation of ORS 471.480 (permitting employee under 18 to sell alcoholic liquor).

3. On August 10, 1983 Inspector Bain entered Neighbors Market at about 3:30 p.m. He purchased two cans of beer from the clerk at the checkstand. No other employee was on duty in the store.

4. The clerk who sold the beer was the 17-year-old son of Licensees. His date of birth is May 20, 1966.

5. Licensees' son was working alone at the store because his mother was ill and his father was at home providing her care.

6. Licensees and their son were aware of the prohibition against a juvenile selling alcoholic beverages. Under normal circumstances one or the other Licensee is always at the store.

DISCUSSION

One of the Licensees testified that only his wife's serious illness prevented them from being in the store, and that they are eager to stay within OLCC regulations. Licensees are recent Afghan immigrants. Licensee stated that because of their cultural heritage his son was fearful of not selling beer to someone who appeared to be as authoritative an individual as did Inspector Bain.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Any employee 18 years of age or older of a person who holds any Package Store license from the Oregon Liquor Control Commission may sell any alcoholic liquor authorized by such license on the licensed premises. ORS 471.480.

Licensees' son was less than 18 years old, was acting as an employee, and sold alcoholic liquor on August 10, 1983.

ULTIMATE CONCLUSIONS OF LAW

Licensees have violated ORS 471.480. The combination of their circumstances provides some slight mitigation.

FINAL ORDER

It is hereby ordered that the Package Store (PS) license held by Mohammad H. and Norsama Shahabzadah at Neighbors Market, 9061 NE Sandy Boulevard, Portland, Oregon be SUSPENDED for two (2) days or that Licensees pay a \$130 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 29th day of March, 1984.



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.