



SERVICE PERMITTEE

None.

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. Cameron W. Callin Jr. has held a Dispenser Class A (DA) license from the Commission at THE RANCH, 3260 Portland Road N.E., Salem, Oregon at all times relevant to the findings of fact below.

2. Janet J. Green, 4433 State Street, Salem, Oregon, has held a Service Permit from the Commission at all dates relevant to the findings of fact below.

3. The Licensee and the Permittee have been charged with the violation of OAR 845-06-030(1) (served, sold, dispensed or allowed the consumption of alcoholic liquor on licensed premises between the hours of 2:30 a.m. and 7:00 a.m.).

4. The Licensee's employees Karen Van Santen, Katherine Deegan, David Whatley and Janet Green were sitting at a bar in The Ranch at 3:43 a.m. on December 3, 1983.

5. Commission Inspector Steve Manning entered The Ranch as the four persons described above were sitting at the bar. Permittee Janet Green dumped a drink down the drain after observing Mr. Manning enter. Mr. Manning seized the drinks of

the other three. The other three persons' drinks contained alcoholic beverages.

6. Karen Van Santen and Katherine Deegan consumed alcoholic beverages in The Ranch after finishing up their closing duties at 3:00 a.m. on December 3, 1983, as evidenced by their admissions to Mr. Manning. However, Ms. Green and Mr. Whately made no admission to drinking after 2:30 a.m. and the evidence did not otherwise prove they consumed alcohol in the premises after this hour, despite the suspicious circumstances.

7. Janet Green had freshened Ms. Van Santen's alcoholic drink consumed after 3:00 a.m. with ice, soda and orange juice. She served no alcohol after 2:30 a.m., however.

8. Janet Green's duties included taking care of the bars and making sure that drinks were picked up at 2:30 a.m.

9. The Licensee was found by the Commission to be in violation of OAR 845-06-030(1) in 1982. After this violation the Licensee instituted a strict rule at The Ranch forbidding consumption of alcohol in the premises after 2:30 a.m. Later, the Licensee installed an alarm system to insure that his employees left The Ranch as soon as possible after closing. The Licensee's goal in installing the alarm system was to prevent employees from remaining at the premises after work and having a drink.

10. The Licensee had a meeting with his employees at the Ranch approximately two weeks prior to December 3, 1983. At

that meeting the Licensee went over the Commission's rules and regulations, including the prohibition against consuming alcoholic beverages on the licensed premises between 2:30 a.m. and 7:00 a.m.

11. The Licensee fired Ms. Deegan and Mr. Whatley because of the events of December 3, 1983 and Ms. Deegan's and Mr. Whatley's nonchalant attitude about those events.

12. After December 3, 1983 the Licensee warned his remaining employees that anyone who consumed alcoholic beverages in the premises between 2:30 a.m. and 7:00 a.m. would be dismissed.

13. The Licensee has a set of written company rules. These rules specify that there will be no drinking after closing hours. (Licensee's Exhibit No. 1.)

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

Except as provided by Section (2) of this rule, alcoholic liquor may be sold, dispensed, served, consumed on, or removed from licensed premises only between the hours of 7:00 a.m. and 2:30 a.m. OAR 845-06-030(1).

Licensees whose licensed privileges permit the sale and distribution of malt beverages and wine for resale may make deliveries for licensees between the hours of 6:00 a.m. and 1:00 a.m. OAR 845-06-030(2).

The DA License at The Ranch allows the sale and consumption of alcoholic beverages only between the hours of 7:00 a.m.

and 2:30 a.m. under OAR 845-06-030. The Licensee and Permittee therefore violated OAR 845-060-030(1) on December 3, 1983 by allowing Karen Van Santen and Katherine Deegan to consume alcoholic beverages on the licensed premises during those hours.

ULTIMATE CONCLUSIONS OF LAW

1. When there has been a violation of ORS Chapter 471 or 472, or any rule adopted thereunder, upon any premises licensed by the Commission, the Commission may revoke or suspend either the service permit of the employee who violated the law or rule or the license of the licensee upon whose premises the violation occurred, or both the permit and the license. ORS 471.385(3).

The Commission may cancel or suspend Mr. Callin's DA license and Ms. Green's Service Permit for the violations of OAR 845-06-030(1) (permitted service, sale or consumption of alcoholic beverages on premises between 2:30 a.m. and 7:00 a.m.) on December 3, 1983.

The violation by the Licensee is mitigated by the factors noted in Findings of Fact Nos. 9, 10, 11, 12 and 13.

The violation by Service Permittee Janet Green is not mitigated. She sat at the bar with Ms. Van Santen and Ms. Deegan as they consumed alcoholic beverages. She knew or should have known the drinks were alcoholic.

FINAL ORDER

1. It is hereby ordered that the DA License held by Cameron W. Callin, Jr., at The Ranch, 3260 Portland Road N.E.,

Salem, Oregon be SUSPENDED for eleven (11) days or the fine of \$715 be paid in lieu of said suspension.

2. It is further ordered that the Service Permit held by Janet Green, 4433 State Street, Salem, Oregon be SUSPENDED for seven (7) days or that a fine of \$175 be paid in lieu of said 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 4th day of June, 1984.

  
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Douglas Crumme  
Hearings Examiner  
Hearings Division

  
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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.