

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Application for a)
Change of Officer/Director/)
Stockholder by:)
)
Talent Plus, Inc.)
SLABTOWN)
1033 NW 16th)
Portland, Oregon 97209)
- - - - -)
Multnomah County)

FINAL
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

A hearing in the above matter was held on the 11th day of May, 1984, in Portland, Oregon, before Hearings Examiner Allen R. Scott. The Applicant appeared in person and was represented by Michael Mills, Attorney at Law, Salem, Oregon. The Commission was represented by legal counsel.

On July 23, 1984, the Commission considered the record of the hearing, the Proposed Order of the Hearings Examiner, Exceptions to the Proposed Order of the Hearings Examiner, and applicable statutes and regulations. Pursuant to this review, the Commission enters the following:

FINDINGS OF FACT

1. Licensee Talent Plus, Inc., holder of a DA license in the trade name SLABTOWN, seeks approval of Larry D. Knez (herein referred to as Applicant) as an Officer/Director/Stockholder.
2. The Commission's Staff has recommended that the application be refused based upon ORS 472.160(4)(d) (applicant convicted of a felony), and ORS 472.160(4)(b) (applicant has made false statements to the Commission).

3. In 1972 Applicant Knez was arrested on a federal charge of processing gold without a permit. The charge resulted from the fact the Mr. Knez began processing gold before his application for a federal license to do so had been approved. At the time of his arrest, federal officers seized gold and other metals in his possession valued at approximately \$400.

4. In December 1972, Mr. Knez was convicted of the charge of possessing gold without a permit in U.S. District Court. He was placed on probation for 24 hours but was given no fine or jail sentence.

5. The matter involved in the above conviction is no longer a crime.

6. Following the above conviction, Mr. Knez was charged with theft by California authorities. The charge resulted from Mr. Knez's failure to return the gold and other metals which he had received for refining to their owners.

7. Mr. Knez entered a "no contest" plea to the theft charge and was convicted of theft in January, 1973, in a California court. He was placed on probation for five years and ordered to make restitution of \$13,000.

8. Mr. Knez successfully completed the probation, which was terminated February 10, 1978.

9. Both of the convictions noted in the Findings of Fact above were felonies.

10. On December 13, 1983, Mr. Knez completed the application involved in this hearing. On the Individual History Form, Mr. Knez answered "no" to the following question: "Have you

been convicted (including probation, sentencing, or bail forfeiture) of any crime, violation, or infraction of any law? (Do not include minor traffic violations for which a fine or bail forfeiture of \$50 or less was imposed)."

11. Following submission of the application by Mr. Knez, he was interviewed by an OLCC investigator. The investigator confronted him with information obtained from a computerized criminal history system which indicated that a person with his name, but with a slightly different social security number and a different height, had been convicted of the two felonies noted above. Mr. Knez denied that he was the person named in the computerized record.

12. The investigator also asked Mr. Knez whether he had ever lived in Southern California, the locale of the two felony convictions noted above. Mr. Knez stated that he had not lived there on a "permanent" basis, but had been "down there".

13. After conferring with an attorney, Mr. Knez eventually admitted the convictions to OLCC staff. In a letter to the Commission he stated, with respect to the theft charge noted above:

"The basis for this charge was my failure to return the gold that I had received for processing to the people who had sent it to me for processing. Of course I could not return the gold because it was in the hands of the federal government.

14. Federal officials had in fact seized \$400 worth of gold at the time of Mr. Knez's arrest for refining gold without

a permit. Mr. Knez was ordered, however, to make restitution in the amount of \$13,000.

15. Mr. Knez has had no further criminal convictions following the two noted in the Findings of Fact above.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commission may refuse to license any applicant if it has reasonable grounds to believe that the applicant has been convicted of a felony. ORS 472.160(4)(d).

The record establishes that Mr. Knez was convicted of two felonies. It is noted, however, that the first of these, the crime relating to refining gold, is no longer a crime. It is also noted that both of these convictions occurred approximately eleven years before Mr. Knez's application in this matter and that Mr. Knez has had no other convictions.

Because of the fact that one of the convictions is no longer a crime, because of the substantial period of time between the convictions and the present application, and because of Mr. Knez's good record with respect to criminal matters since the convictions, the Commission concludes that the convictions should not be a basis for denying the application.

2. The Commission may refuse to license any applicant if it has reasonable grounds to believe that the applicant has made false statements to the Commission. ORS 472.160(4)(b).

The Commission may refuse to process or may deny an application if the applicant provides false or misleading information to the Commission. OAR 845-05-015(3).

The Commission concludes that Applicant has adequately explained any false or misleading statements and that this

criterion should therefore not be a basis for denying the application.

ULTIMATE CONCLUSIONS OF LAW

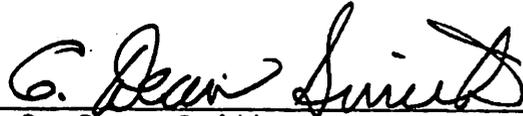
The Application for Change of Officer/Director/Stockholder should be granted.

FINAL ORDER

It is hereby ordered that the application by Talent Plus, Inc. in the trade name Slabtown, 1033 NW 16th, Portland, Oregon 97209, for change of officer/director/stockholder be GRANTED.

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

Dated this 27th day of July, 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.