

3. Applicant has been convicted of the following alcohol-related crimes:

<u>DATE</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
3-25-80	DUII	\$260 fine
7-5-83	DUII	\$550 fine
3-26-84	DUII	two years probation

Applicant has not been convicted of a felony.

4. Applicant participated in an alcohol counseling program in Portland for several months in 1982. She moved to Roseburg and attended AA meetings for a while.

5. Applicant has been working at Skipper's Seafood and Chowder House in Roseburg since July 1984. Skipper's has an R license and requires all its employees to have service permits. Applicant's supervisor is strongly supportive of her application. Since beginning employment at Skipper's Applicant has been promoted to a supervisory position and has received an employee recognition award granted on the basis of outstanding job performance.

6. Applicant acknowledges she has had difficulties dealing with alcohol in the past. She feels she has overcome the personal problems which led to her overuse of alcohol, and testified that she no longer uses alcohol to excess. Her driver's license has been suspended for the next several years.

7. Applicant volunteered to accept a permit which is valid only at Skipper's.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The commission may refuse to grant a service permit if it has reasonable grounds to believe any of the following to be true:

- (1) That the applicant is in the habit of using alcoholic beverages or controlled substances to excess. ORS 471.380(1).

Applicant has had three DUII convictions in the last five years, the most recent of which occurred a year ago. Although she underwent alcohol-use therapy during 1982, she was subsequently convicted of alcohol-related offenses, which suggests that the therapy was ineffective. Nevertheless, there is no evidence that she has used alcohol to excess for the past year. There is evidence that she has been successful at her job because of her ability to accept and discharge responsibility. Her employer considers her a stable and valued employee, which are traits that are not likely to be compatible with excessive use of alcohol. The Commission concludes that there is no evidence that Applicant has a current habit of using alcoholic beverages to excess and therefore that ORS 471.380(1) does not provide a basis for denial of her application.

2. The commission may refuse to grant a service permit if it has reasonable grounds to believe any of the following to be true:

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- (4) That the applicant has been convicted of violating any of the alcoholic liquor laws of this state, general or local, or has been convicted at any time of a felony. ORS 471.380(4).

Applicant has had three convictions for DUII, which is an alcoholic liquor law violation. Although her most recent conviction occurred only about a year ago, because her driver's license has been suspended for the next several years she is not likely to incur future DUII violations during the suspension period. Nevertheless, three DUII convictions in four years suggests that Applicant has in the past had difficulty exercising proper judgment. The fact that she has not been convicted for alcohol-related offenses in the last year is an indication that Applicant may have overcome her problems with alcohol. Her past convictions have apparently not hampered her ability to perform responsibly in her current employment.

The Commission concludes that ORS 471.380(4) may provide a basis for denying Applicant an unconditional permit because she has not been free from alcohol-related convictions for a long enough period of time to demonstrate self-rehabilitation. However, Applicant has functioned well with her present employer, and has volunteered her willingness to comply with a restriction limiting the validity of the permit to her current employer's premises. The Commission concludes that ORS 471.380(4) is not a basis for denying such a restricted permit.

FINAL ORDER

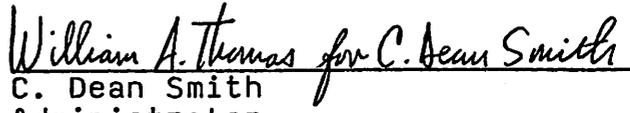
The Commission orders that the application for a service permit by Donna C. Watkins, 104 Linda Lane, Roseburg, Oregon, be GRANTED with the restriction that it is valid only on premises licensed to Skipper's Seafood & Chowder House.

It is further ordered that notice of this action, including the reasons for it, be given as provided by law.

Dated this 30th day of April, 1985.



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.