OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
PROPOSED AMENDMENTS

Note: **Bold and underlined** = new text; *italics and strikethrough* = deleted text

845-015-0101
Definitions

As used in OAR chapter 845, division 015:

(1) "Commission" includes the 5-7-member body of Commissioners appointed by the Governor, the administrator (**executive** director) and agency staff. Any of the actions or decisions specified in this division may be delegated to the administrator (**executive** director) as provided in ORS 471.040(2).

(2) "Disabled Retail Sales Agent" is one who has a physical or mental impairment that has continued more than one year or is permanent that prevents a retail sales agent from properly performing contractual duties. The Commission determines retail sales agent disability after reviewing medical reports from the retail sales agent's physician. The Commission may require additional medical information from a Commission-selected physician.

(3) "Full On-Premises Sales Licensee" means any person or entity holding a Full On-Premises Sales license.

(4) "Retail Liquor Store" is a premises or a specific area in a premises the Commission approves for the sale of packaged distilled spirits for off-premises consumption, other than an Oregon licensed distillery or portion of such a distillery which has been approved for the sale of packaged distilled spirits manufactured by the distillery.

(5) "Retail Sales Agent" or "Agent" is an individual person or legal entity appointed by the Commission who enters into a retail sales agent agreement to sell packaged distilled spirits on behalf of the Commission in a retail liquor store. **When a retail sales agent is a legal entity, the following persons shall also be considered a retail sales agent:**

(a) Each **individual person** who owns 10% or more of the entity; such as stock, membership, or other investment;

(b) Each **individual person** who has been designated by the entity to exercise control over, or be entitled to exercise control over, the entity; such as directors, officers, managing members, and general partners.
(6) "Retail Sales Agent Agreement" is a written contract between the Commission and a retail sales agent that specifies the terms, conditions, and obligations between both parties.

(7) "Temporary Retail Sales Agent" or “Temporary Agent” is an individual person or legal entity selected by the Commission to temporarily operate a retail liquor store.

Statutory/Other Authority: ORS 471, 471.030, 471.730(1) & (5)
Statutes/Other Implemented: ORS 471.750 & 471.752

845-015-0115
Retail Sales Agent Eligibility

(1) A retail sales agent who is an individual person must be at least 21 years old. Retail sales agents must devote enough time to a retail liquor store to ensure its efficient operation and reasonable service to the public.

(2) A retail sales agent may not have a financial interest or business connection that ORS 471.710(3) or OAR 845-015-0118 prohibits.

(3) A retail sales agent cannot be a Commission licensee or an officer, director, substantial stockholder or member of a licensee, except that:
(a) A non-exclusive retail sales agent may be an Off-Premises Sales licensee. An exclusive retail sales agent may be an Off-Premises Sales licensee provided that the licensed business is separate from the retail liquor store; or
(b) The Commission may appoint a licensee if the licensee is the only suitable applicant for appointment as retail sales agent in a very small town in a remote area. This retail liquor store must be non-exclusive and must be located in a part of the premises completely separated from the service or consumption of alcoholic beverages.

(3) A retail sales agent may not be a Commission licensee, except that:
(a) A non-exclusive retail sales agent may be an Off-Premises Sales licensee.
(b) A non-exclusive retail sales agent may be a Limited On-Premises Sales licensee provided that the premises with the Limited On-Premises Sales license is in a different physical location and address from the retail liquor store.
(c) An exclusive retail sales agent may be an Off-Premises Sales licensee and a Limited On-Premises Sales licensee provided that the premises with the Limited On-Premises Sales license or Off-Premises Sales license is in a different physical location and address from the retail liquor store.
Statutory/Other Authority: ORS 471 including 471.030, 471.730(1) & (5)
Statutes/Other Implemented: ORS 471.750(1)