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L. J. J. J.

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of)	
Application for a)	
DBA License)	FINDINGS OF FACT,
Loyal Order of Moose)	CONCLUSIONS OF LAW,
OAKRIDGE LODGE #2191)	AND FINAL ORDER
38086 Highway 58)	
Oakridge, Oregon 97463)	

The above matter came on regularly before the Oregon Liquor Control Commission on the 21st day of April, 1976, upon Exceptions filed by Diane Spies, Attorney at Law, to the Proposed Findings of Fact, Conclusions of Law, and Order of the Commission heretofore served upon the applicant.

Thereupon the Exceptions having been read and considered, and the Commission having personally studied and considered the full record of the proceedings, and now being fully advised, makes the following:

FINDINGS OF FACT

1. The population fo the City of Oakridge is approximately 3,800 and the population of its metropolitan area is approximately 7,800. In the City of Oakridge is a Class "A" dispenser licensee, "The Sportsman's Club". Approximately one mile outside the city limits is another Class "A" dispenser licensee, "Binks".

2. The Sportsman's Club" and "Binks" serve the total adult population of the Oakridge area as regularly licensed commercial establishments. These two licensees are not overwhelmed by the demands of local residents for liquor by the drink and adequately serve the needs of such residents for distilled spirits.

3. Oakridge Moose Lodge #2191, a private fraternal organization located in the City of Oakridge, is applying for a Dispenser Class "B" license under ORS 472.110(3). which would allow the sale of distilled spirits by the drink.

4. A Dispenser Class "B" license under ORS 472.110(3) for fraternal organizations is included in the statutory quota for dispenser licenses established by ORS 472.110(4), which limits the total number of premises which may be licensed, to not in the aggregate at any time exceed one such licensed premises for each 2,000 population in the state. The present application of the lodge falls within this quota system.

5. The lodge presently has a membership consisting of approximately 225 men, and 94 women as auxiliary members. The lodge is thus primarily male, although wives and other female relatives may achieve a class of membership under certain circumstances. The Moose organization, however, actively and consistently seeks out for membership persons of the male sex, and females are only ancillary or incidental to male membership.

6. Moose members may bring guests into the lodge for three visits. The purpose of such visits is to solicit membership. The guests may not visit the lodge after such visits. The Moose Lodge's facilities would thus be restricted to members of the lodge, and guests for three visits. These guests may utilize the lodge facilities during the visits,

but ultimately only for the purpose of joining the lodge.

7. The lodge is seeking a liquor license to increase its membership growth, serve visiting Moose from outside the city and to promote the lodge in the community.

8. A liquor license is not a guarantor for lodge growth, and based upon past experience in Oregon of the growth rate of private fraternal groups, there is not a good probability that this lodge will significantly increase its membership if the license is issued anyway.

9. The purpose of the liquor laws is not to stimulate and promote the growth of private fraternal organizations, nor to encourage persons to join a fraternal organization in order to obtain a drink of distilled spirits.

10. Lodge growth must rise or fall upon the merits of the organization and not the ability of a person to obtain a drink of alcoholic liquor within the physical confines of a structure.

11. If the Oakridge Moose Lodge was granted a Class "B" dispenser license, it could not serve 2,000 members of the general public, and would not even be able to serve 2,000 members of the Moose community. Due to the statutory limitations placed upon the total number of dispenser licenses, the citizens of Oregon and of Oakridge would be better served by reserving future dispenser licenses to establishments able to serve a greater proportion of the state and the Oakridge community.

12. The Commission takes general notice of the fact that it had available for issuance, at the time of the hearing, a maximum of 29 Dispenser licenses (Class A and Class B) for the State of Oregon [ORS 183.450(4)].

ULTIMATE FINDINGS OF FACT

1. It is not in the public interest to grant a dispenser license to a small Moose Lodge with the number of members it presently has, for the sole purpose of attempting to gain more members and serve visiting Moose. It is in the public interest at the present time for the Commission to reserve any dispenser licenses available in the state to an establishment that will serve all members of the public regardless of their membership in an organization and regardless of their sex.

2. The Oakridge area has two Class "A" dispenser licenses which adequately serve the public.

From the foregoing Findings of Fact, the following Conclusions of Law are entered:

CONCLUSIONS OF LAW

1. There are sufficient licensed premises in the Oakridge area to serve the general public of the community.

2. The granting of a dispenser license to an applicant who desires to restrict the use to members of a private fraternal order and where the use would be primarily limited to males in a community the size of Oakridge is not demanded by the public interest or convenience.

3. The public interest or convenience would be better served by reserving any dispenser licenses which may be utilized to a dispenser applicant who desires to serve the total trading community of Oakridge and not a restricted lodge membership [OAR Chapter 845 10-715(1); OAR Chapter 845 10-720(5), and OAR Chapter 845 10-715(10)].

ULTIMATE CONCLUSIONS OF LAW

1. There are sufficient licensed premises in the locality set out in the application to serve the population of Oakridge.

2. The granting of the application of the Moose Lodge in Oakridge is not demanded by the public interest or convenience [ORS 472.160(1)].

From the foregoing Findings of Fact and Conclusions of Law, the following Order is entered:

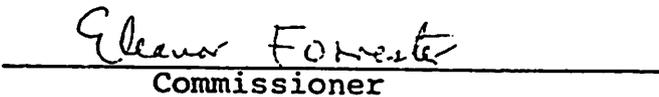
FINAL ORDER

The application of Oakridge Moose Lodge #2191 for a Dispenser Class "B" license is denied.

Dated this 21st day of April, 1976.


Chairman


Commissioner


Commissioner