

6/84

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Applications for a)
Package Store (PS) or a)
Retail Malt Beverage (RMB))
License by:)

Robert W. Lindell)
CORBETT COW)
35905 E. Crown Point Highway)
Corbett, Oregon 97019)
- - - - -)
Multnomah County)

FINAL
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

A hearing in the above matter was held on the 23rd day of November, 1983, in Portland, Oregon, before Hearings Examiner Douglas Crumme'. The Applicant appeared in person and was not represented by legal counsel. The Commission was not represented by legal counsel.

Limited Party status was granted by the Commission's Hearings Division on November 14, 1983 to Petitioner Corbett School District #39. The School District was represented at the hearing by Robert L. Dressler, Attorney at Law, Portland, Oregon.

The record of the hearing was held open through December 7, 1983 to receive additional documentary evidence from the Applicant and the Petitioner. A letter received from the Applicant ex parte on March 5, 1984 was received into the record. The Staff and Petitioners were given through March 17, 1984 to submit written rebuttal.

On June 25, 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. Robert W. Lindell has applied for a Package Store (PS) or a Retail Malt Beverage (RMB) license at the CORBETT COW, 35905 E. Crown Point Highway, Corbett, Oregon. This premises has not been licensed by the Commission since approximately 1977.

2. The Commission's Regulatory Staff Committee has recommended that the Applicant's application be refused, citing the following:

- a. OAR 845-05-025(2)(a) (written opposition from person in charge of school in rural area within 1,500 feet of proposed outlet).
- b. OAR 845-05-025(2)(b) (written opposition from person in charge of church in rural area within 1,500 feet of proposed outlet).
- c. OAR 845-05-035 (public opinion).
- d. ORS 471.295(4)(b) and OAR 845-05-015(3) (provided false or misleading information to Commission on license applications).

(Commission's Exhibit G.)

3. Corbett is located in the hills above the Columbia Gorge east of Troutdale in Multnomah County.

4. Multnomah County's zoning designation for Corbett is "rural commercial."

5. The community of Corbett is rural in character. Corbett contains about eight small businesses, a church and three schools. The area around Corbett consists of farms, woods and rural residences.

6. The persons who sold the Corbett Cow to Mr. Lindell, John and Janice Boothe, told Mr. Lindell that they had had a liquor license at the premises. The Boothers operated the premises in the 1960s and 1970s.

7. The Applicant purchased the real property at the proposed outlet in November 1982 with the intention of remodeling the old grocery building and installing a delicatessen and grocery. The Applicant opened the grocery business on July 9, 1983 after considerable effort spent remodeling the premises.

8. In addition to grocery shelves with standard grocery products, the Applicant proposes to install a delicatessen food case and a small area with tables and chairs for patrons to eat their delicatessen food. The eating area would be separated from the remainder of the premises by partition walls and a partial door. The eating area would have seating for 12 to 20 persons.

9. The Applicant would staff the deli area of the Corbett Cow with a separate employee.

10. The Applicant's intent in applying for an RMB license is to provide a quiet delicatessen for adults to stop at in the process of sightseeing or vacationing. The Corbett Cow is located on the Old Columbia Gorge Scenic Highway, several miles west of Crown Point. The Applicant hopes to specialize in more expensive imported and domestic bottled beers to be served in conjunction with custom-designed lunches composed of specialty meats, cheeses and other gourmet food items from around the

world. Among the meats the Applicant would like to offer is rabbit.

11. The Applicant had planned to store beer and wine in a cooler accessible to the public. However, the Applicant would agree to sell beer and wine only over the counter as a condition to the receipt of a license.

12. The Corbett Cow has approximately nine video games in the front of the premises near the checkout counter. The games are clearly visible to the clerk behind the checkout counter.

13. The Applicant would remove the video games from the Corbett Cow if issued a license by the Commission.

14. The Corbett Cow would be open seven days a week.

15. The Applicant had a temporary 90-day authority to operate with a PS license for several weeks in August 1983. After the Licensee's temporary authority to operate with a PS license was withdrawn, the Licensee's total sales at the Corbett Cow fell about 50 percent.

16. The nearest premises to the Corbett Cow licensed for the sale of beer and wine to go are as follows:

NEAREST PREMISES TO CORBETT COW

<u>OUTLET</u>	<u>TYPE OF LICENSE</u>	<u>DISTANCE FROM CORBETT COW</u>
Dave's Market	PS	.5 miles East
Lower Corbett Store	PS	1.4 miles
Big Bear Grocery & Deli	PS	2.2 miles
Springdale Tavern	RMB	2.1 miles
Rustic Inn	RMB	3.7 miles
Big Bend Tavern	RMB	3.9 miles

Findings Concerning
Corbett School District Objections

17. The Commission has received written opposition from Corbett School District #39 and three principals of nearby schools against the issuance of a liquor license to Mr. Lindell at the Corbett Cow. The District and the schools oppose the issuance of any liquor license to the Corbett Cow because of the close proximity of the Corbett Cow to the schools. The objectors believe that the selling of liquor in such close proximity would be a detriment to the educational process and would present a danger of minor students obtaining and consuming alcohol.

18. The writers of the objection letters described in the Finding of Fact above and relevant data about their schools are as follows:

	<u>EXHIBIT DESIGNATION</u>	<u>DISTANCE FROM CORBETT COW TO SCHOOL BUILDING</u>	<u>NUMBER OF STUDENTS</u>
Dr. Dale R. Nees, Superintendent Corbett School District No. 39	Commission's Exhibit O	Not Applicable	800
David Thompson, Principal, Corbett High School	Commission's Exhibit P	120 feet	274
Barbara Ritt, Principal, Corbett Middle School	Commission's Exhibit Q	320 feet	190
Fred Martin, Principal, Corbett Grade School	Commission's Exhibit R	590 feet	Not Available

19. Corbett High School has been at its present location since 1923.

20. Mr. Lindell contacted Corbett High School principal David Thompson in April, 1983 and advised he was going to apply for PS and RMB licenses at the Corbett Cow. Mr. Thompson told Mr. Lindell that the School had been opposed to liquor license applications at the premises in the past.

21. At its February, 1982 meeting, the Oregon Liquor Control Commission denied an application by David and Ralph Rogers for a Package Store license at the location of the Corbett Cow. (Petitioner's Exhibit No. 12.) The basis for the Commission's refusal of this application included written opposition from the Corbett High School and the Corbett Elementary School. (Petitioner's Exhibit No. 11.)

22. Corbett High School has an open campus. Students are free to come and go.

23. Corbett students patronize the Corbett Cow and play video games there in the morning before school, at lunch, and after school in the afternoon.

24. Special activities generally occur six days a week at Corbett High School after 3:00 p.m. These activities include athletic team practices and games, club meetings, concerts and other special activities. (Petitioner's Exhibit No. 5.)

25. Corbett High School transports interested students to out-of-town athletic events on a school bus. After the event is over, the bus returns to the school. At the school, the students phone their parents that they have returned and wait for a ride home. Generally, there is only a coach to supervise

after the bus returns to the school. The area where the students phone and wait for rides is directly across from the Corbett Cow.

26. Corbett High School suspended 26 students during the 1982/83 school year for being under the influence of intoxicants, including drugs and alcohol. The school suspended five students for this reason for the school year beginning in September 1983 up through November 23, 1983.

27. There was a student vandalism problem in the area of Corbett High School when beer and wine was being sold at the location of the Corbett Cow in July, 1976.

28. There have been recent reductions in the frequency of Multnomah County Sheriff patrols past the Corbett schools.

29. There is a problem in the Corbett community with teenagers drinking alcohol.

30. Since opening the Corbett Cow, Mr. Lindell has made an effort to get drinking teenagers off his property adjacent to the Corbett Cow. Mr. Lindell does not permit drinking or smoking in the Corbett Cow. The teenagers have been cooperative with him. Vandalism near the Corbett Cow has diminished.

Findings Concerning Objections
of Corbett Christian Church

31. The Commission has received a written letter of opposition to the issuance of PS and RMB licenses to the Corbett Cow from Charles Bowman, Pastor, Corbett Christian Church. (Commission's Exhibits T and U.) Pastor Bowman's letters were endorsed by the Elders of the Church. The Elders are the governing body of the Church.

32. The reasons for the objections of the Corbett Christian Church include the proximity of the Corbett Cow to the local schools and the consequent exposure of liquor to school children, the problems with vandalism in the community and the limited ability of the Sheriff's office to provide police protection to the area. (Commission's Exhibit U.) The Church does not oppose the Corbett Cow applications because of any specific conflict seen with Church building activities, other than the potential for increased vandalism in the area.

33. The Corbett Christian Church is approximately 455 feet from the Corbett Cow.

34. The Corbett Christian Church has been at its present location since 1913.

35. The Corbett Christian Church has 250 regular adult attendees. In addition, the Church has approximately 200 children that participate in Church activities.

36. The Corbett Christian Church uses its Church building for services and other activities in the morning, afternoon and evening on Sunday. The Church building is in use most weekday evenings for activities that include youth band practices, bible study groups and other youth and adult group meetings. On Saturday, the Church building is used by a Seventh Day Adventist congregation in the morning.

37. The Corbett Christian Church is used at least once a month for special activities such as weddings and funerals.

38. The Corbett Christian Church holds a youth activity at one of the local schools each Wednesday evening that draws as many as 150 persons.

Findings Concerning Public Opinion

39. The Applicant collected a petition at the Corbett Cow in support of his applications. The heading on the petition stated as follows:

"TO ALL PATRONS OF THE CORBETT COW:

We want the ability to offer our patrons beer and wine at this location. We are soliciting your support for a permanent OLCC license to sell beer and wine. Please sign the attached list if you would like us to have the permanent license so that you may purchase beer and wine beverages at the Corbett Cow."

(Applicant's Exhibit No. 1.)

40. The Applicant's petition described in the Finding of Fact above contained 142 total signatures. Seventeen of the signatures were illegible, had no address, or were duplicates. Forty-four of the signatures were from non-Corbett residents. Three of the signers were under 21 years of age.

41. The following persons have written letters to the Commission in support of Mr. Lindell's applications at the Corbett Cow:

	<u>APPLICANT'S EXHIBIT NO.</u>
Ted Davenport, President, Coyote Archery, Inc. (supports PS, opposes RMB)	Exhibit #4
Patricia Van Hee	Exhibit #5
William Hieno	Exhibit #6
Ed Winebarger	Exhibit #7
Janice Boothe	Exhibit #8

42. All but one of the letter writers who support Mr. Lindell listed in the Finding of Fact above either live or work in Corbett.

43. The letter writers who support Mr. Lindell's applications cite Mr. Lindell as a careful and responsible operator. The supporters believe it should not be Mr. Lindell's responsibility alone to bear the burden of the teenage drinking problem in the Corbett area. Some of the supporters feel the issuance of a beer and wine license to the Corbett Cow is not likely to worsen the teenage drinking situation in the area. Supporters believe that since opening the Corbett Cow, Mr. Lindell has kept the premises neater and cleaner than when the premises was previously closed.

44. The following persons have written letters to the Commission in opposition to the issuance of a beer and wine license to Mr. Lindell at the Corbett Cow:

	<u>PETITIONER'S EXHIBIT NO.</u>
Philip DuFresne	Exhibit #13
Doreen Dotson	Exhibit #14
Victoria and Chris Mijares	Exhibit #15
Martha Brandon	Exhibit #16
Iris and Carleton Venable	Exhibit #17
H. Ron Bates	Exhibit #18
Alfred and Norma Mershon	Exhibit #19

45. The letter writers in opposition cited in the Finding of Fact above all live or work in the Corbett area.

46. The letter writers in opposition to Mr. Lindell's applications all cited the close proximity of the Corbett Cow to the Corbett schools as a basis for their opposition. Several

of the letter writers opined that there are sufficient licensed premises in the community already.

47. The Commission has received letters from the Corbett High School Advisory Committee and the Corbett Middle School Advisory Committee expressing their concern regarding the granting of a beer and wine license to the Corbett Cow and stating that easily accessible alcohol at school activities is a problem to be avoided. (Petitioner's Exhibit Nos. 3 and 4.)

The Commission has also received a letter from the Corbett Kindergarten-Grade 5 Citizens Advisory Committee stating the Committee's opposition to the issuance of a liquor license to the Corbett Cow. (Petitioner's Exhibit No. 6.)

48. A poll was taken at a meeting of the Corbett High School faculty on November 22, 1983 concerning Mr. Lindell's applications for PS and RMB licenses at the Corbett Cow. Approximately 75 percent of the faculty opposed issuance of any liquor license to Mr. Lindell.

49. Multnomah County Sheriff Fred B. Pearce recommended on August 22, 1983 that the Multnomah County Board of Commissioners recommend against issuance of PS and or RMB licenses to the Corbett Cow. Sheriff Pearce cited the close proximity of the school to the Corbett Cow, the potential enforcement problems for his office, and the opposition from the Corbett School District and others. (Commission's Exhibit V.)

50. The Multnomah County Board of Commissioners held a hearing on September 1, 1983 concerning Mr. Lindell's applications for PS and RMB licenses at the Corbett Cow. The Commission received testimony from the Sheriff's office, from an OLCC

representative, from Dr. Dale R. Nees, Superintendent of the School District, from Mr. Lindell and from other interested members of the public. Following testimony, the Commission recommended by a 3-to-2 vote that Mr. Lindell's applications be granted. (Commission's Exhibit C.)

Findings Concerning Alleged False Statements

51. The financial statement that the Applicant completed as part of his application to the Commission for PS and RMB licenses asked the Applicant to list and describe any taxes due. In response, the Applicant listed property taxes of \$3,000. (Commission's Exhibit X.)

52. At the time he submitted his PS and RMB application to the Commission, the Applicant owed property taxes to Multnomah County of \$5,472.85 on a residence at 1126 SE 15th Avenue, Portland, Oregon and \$5,343.36 on the Corbett Cow premises. The total owing, then, was \$10,816.21.

53. Mr. Lindell listed property taxes due of \$3,000 on his financial statement to the Commission because he thought the Commission's interest regarding property taxes would only concern those taxes due on the Corbett Cow. Mr. Lindell had been told by the former owner that \$3,000 was owing in property taxes for the Corbett Cow. He had not checked with Multnomah County on the actual amount of taxes owing at the time he submitted his financial statement to the Commission.

54. Question No. 10a on page 2 of Mr. Lindell's application to the Commission for PS and RMB licenses asked as follows:

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).

Yes _____ No _____

Question No. 10c on the application asked the Applicant to list details on any convictions relevant under question No. 10a. (Commission's Exhibit Z.)

55. In answer to question No. 10a, Mr. Lindell checked "no." He listed no details of any convictions in answer to question No. 10c. (Commission's Exhibit Z.)

56. Mr. Lindell was convicted of Driving Under the Influence of Liquor in 1974. He paid a fine of approximately \$100 to \$150 as a result of this conviction.

57. Mr. Lindell did not list his 1974 DUIL conviction on question No. 10 of his application to the Commission for PS and RMB licenses because he thought the incident was not sufficiently significant to be listed as it was nine years old and the penalty was small.

DISCUSSION

The Hearings Division received ex parte a letter from Robert Lindell on March 5, 1984. The letter was admitted into the record pursuant to OAR 845-03-060(3)(a). The Regulatory Staff and the Petitioner were given until March 17, 1984 to rebut Mr. Lindell's letter. No rebuttal was received.

Mr. Lindell's letter stated in pertinent part:

I telephoned your office . . . regarding a piece of news I heard broadcast over local radio . . .

It seems that the Corbett High School will be consolidated with the Reynolds district and the children bussed to Columbia High School in Troutdale. The Board will meet and decide final plans on March 12 at 8:00 p.m.

The closure of Corbett High School at some point in the future could have a significant effect on the position of Corbett School District #39, Corbett High School, Corbett Middle School, Corbett Grade School, and public opinion concerning Mr. Lindell's applications at the Corbett Cow.

As the record stands, however, there are still objections to Mr. Lindell's applications from Corbett High School, Corbett School District No. 39, Corbett Middle School, and Corbett Grade School. Even assuming that Corbett High students will be bussed to a new location, as indicated on the radio broadcast, there is no indication that the Middle School and Grade School will not still operate, that the high school buildings would not be used for other school purposes, or that the bussing of the high school students would begin immediately. It seems unlikely that the High School would close before the fall of 1984.

Because of these uncertainties and the sketchy evidence about the details of any closure of the High School, the Commission concludes Mr. Lindell's present applications should be decided under the existing record. If changes in the operation of the High School come to pass, Mr. Lindell may submit a new application at the appropriate time.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The following criteria will be given sufficient consideration so that a license will not be issued unless good cause which outweighs the criteria involved is shown by the applicant:

- (2) Written opposition to the granting of the license, stating reasons for the opposition, by a person having control of:

- (a) A pre-elementary, elementary or secondary school;

...

- (d) . . . if such facility is located within 500 feet of the proposed outlet in an urban or suburban area or within 1,500 feet in a rural area. Good cause which outweighs such written opposition may include, but is not limited to, other licensed premises being located within the same distance of the opposing facility or the opposing facility beginning operation at a time when the subject premises were licensed. OAR 845-05-025(2)(a) and (d).

The Corbett area is essentially rural. (See Finding of Fact No. 5.) Therefore, the relevant distance under OAR 845-05-025(2)(a) and (d) for consideration of the school objections to the Corbett Cow is 1,500 feet.

The Commission has received written opposition to the issuance of a license to Mr. Lindell at the Corbett Cow from persons in charge of the Corbett School District, the Corbett High School, the Corbett Middle School, and the Corbett Elementary School. The High School and Middle School are within 120 feet and 320 feet respectively of the Corbett Cow. The Elementary School is approximately 590 feet distant. Therefore, the written opposition from the persons in charge of all three Corbett Schools comes under the ambit of OAR 845-05-025(2)(d).

The three schools oppose license issuance because of the proximity of the Corbett Cow to the schools, the student patronage of the Corbett Cow and the existing problem with teenage drinking in the Corbett community. The schools fear that the exposure of minor students to beer and wine at the Corbett Cow and the availability of beer and wine in such close proximity to the schools will worsen the teenage drinking problem and associated vandalism in Corbett.

The Applicant has not shown good cause for license issuance to overcome the objections of the schools. The fears of the schools that beer and wine at the Corbett Cow could worsen the teenage drinking problem in the community are reasonable. The close proximity of the Corbett Cow to the children at the schools makes it likely that the Corbett Cow would be a focal point for minors attempting to purchase beer and wine or for adults to purchase beer and wine on behalf of minors, despite the best efforts of Mr. Lindell.

Good cause is not shown by the presence of other existing liquor outlets within the same distance of the schools. There are presently no other outlets with liquor licenses in such close proximity to the Corbett schools.

Good cause is not shown because of who came first to Corbett. The schools came to the Corbett area before Mr. Lindell. A liquor license had last been exercised at the Corbett Cow store in about 1977. When he contacted the high school principal to explain his intention to apply for a beer and wine

license at the Corbett Cow, Mr. Lindell was advised of the school's past opposition to such applications.

The evidence in the record about a plan to bus Corbett High students to Reynolds High at some point in the future is sketchy, is of limited reliability, and does not answer important points raised by the objections of the Corbett School District, the Middle School, and the Grade School. See Discussion section at pages 14 through 15 above. Because of this, the indications of a possible plan to bus the High School students at some point are too unclear to overcome the school objections under the present record.

In light of the above, the Commission may deny the Applicant's PS and RMB applications under OAR 845-05-025(2)(d).

2. The following criteria will be given sufficient consideration so that a license will not be issued unless good cause which outweighs the criteria involved is shown by the applicant:

. . . .

(2) Written opposition to the granting of the license, stating reasons for the opposition, by a person having control of:

. . . .

(b) A church;

. . . .

(d) . . . if such facility is located within 500 feet of the proposed outlet in an urban or suburban area or within 1,500 feet in a rural area. Good cause which outweighs such written opposition may include, but is not limited to, other licensed premises being located within the same distance of the opposing facility or the opposing facility beginning operation at a time when the subject premises were licensed.. OAR 845-05-025(2)(b) and (d).

The Commission has received written opposition from the person in control of the Corbett Christian Church, located within 500 feet of the Corbett Cow.

The Commission concludes that the Church's objections should not apply as a grounds for refusing Mr. Lindell's PS and RMB applications under OAR 845-05-025(2)(b). This follows from the fact that the Church does not foresee any specific conflict or interference between the operations of the Corbett Cow and the Church, other than perhaps contributing some to vandalism in the community. The special status given to the objections of a church under OAR 845-05-025(2)(b) only makes sense in light of the conflicts there may be between a liquor-licensed outlet and the specialized activities that take place at a church. Otherwise, why single out churches for special status apart from other public opinion under OAR 845-05-025(2)(b)? Because the Church's objections are not based on any anticipated conflict between beer and wine sales at the Corbett Cow and the different activities at the Church, the Church's objections in this case do not seem to fit within the provisions of OAR 845-05-025(2)(b).

The Church's objections may be relevant under the public opinion criterion, OAR 845-05-035. This is addressed below.

3. The Commission may refuse to issue or renew a license if it determines that public opinion weighs against the issuance of a license. Interested persons may express their support for or opposition to the issuance of a particular license by petition or letter timely received at the Commission offices, or by personal appearance and testimony at a Commission hearing, if any.

Such public opinion will be evaluated in light of the reasons expressed and the extent to which the persons expressing it are likely to be affected by the issuance of the license. Greater weight will be given to opinion of persons residing, working or owning a business within a one-mile radius of the proposed premise. The number of persons expressing support or opposition will not, in and of itself, be controlling. OAR 845-05-035.

On balance, public opinion weighs against Mr. Lindell's applications under OAR 845-05-035 because the adverse effects identified by the objectors are likely to occur and outweigh the benefits of license issuance identified by supporters.

The objectors fear the proximity of the Corbett Cow to the three Corbett schools. Objectors fear this proximity will lead to more teenage drinking. This fear is reasonable. The concentration of minors in the area and the resulting patronage of the store by minors makes it likely that the availability of beer and wine at the Corbett Cow would lead to a significant number of attempts by minors to buy beer and wine there themselves or through adults.

Increased drinking by minors would constitute a significant danger to the health and safety of the public in the Corbett area.

The primary benefit of license issuance identified by supporters is to have the opportunity to purchase beer and wine at the Corbett Cow either to go or for consumption on the premises. This would increase the availability of beer and wine for some community residents and travelers passing through.

Although the increased availability of beer and wine to the public has importance, it is of lesser priority than the health and safety dangers posed by teenage drinking.

It is difficult to get a clear picture from the evidence of the precise number of supporters versus objectors that there may be in this case. Although more individually named supporters are identified on the petition, the objectors seem to represent a larger number of people with specific interests in the Corbett community, including those attending the Corbett Christian Church and those with children attending the Corbett schools. If any conclusion can be made about the raw numbers, it is probably that there are fewer supporters than objectors in the community.

The Commission may refuse Mr. Lindell's applications under OAR 845-05-035 because public opinion weighs against the application.

4. The Commission may refuse to license any applicant if it has reasonable ground to believe that the applicant has made false statements to the Commission. ORS 471.295(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 application materials that Mr. Lindell submitted to the Commission were incorrect in two respects. First, Mr. Lindell listed property taxes due of \$3,000. In fact, he owed property taxes of \$10,816.21. Second, Mr. Lindell indicated in answer to question No. 10a that he did not have a record of

convictions other than minor traffic violations for which a fine or bail forfeiture of \$50 or less was imposed. In fact, Mr. Lindell was convicted in 1974 of Driving Under the Influence of Liquor. He paid a fine of \$100 to \$150 for this conviction.

Mr. Lindell's failure to properly state his property taxes and to list his DUIL conviction do not appear to be appropriate grounds to deny his license applications. These omissions were due to misunderstanding or a lack of care and judgment rather than an intent to submit false information to the Commission. Mr. Lindell listed property taxes of just \$3,000 because he thought that only the taxes on the Corbett Cow were concerned and he believed the Corbett Cow taxes were about \$3,000. Mr. Lindell failed to list his DUIL conviction because the conviction was nine years old and the fine involved was small. He believed this conviction was not one of interest under question No. 10 on the application. The inaccuracies on the financial statement are not serious enough to warrant license refusal under ORS 471.295(4)(b) and OAR 845-05-015(3).

ULTIMATE CONCLUSIONS OF LAW

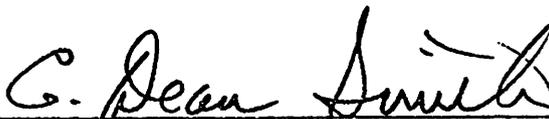
Mr. Lindell's applications for PS and RMB licenses are not demanded by the public interest or convenience. Good cause for license issuance has not been shown to overcome the written opposition from persons in charge of three schools within 1,500 feet of the Corbett Cow, located in a rural area. Additionally, public opinion weighs against license issuance. ORS 471.295(1).

FINAL ORDER

It is hereby ordered that the applications by Robert Lindell for Package Store (PS) and Retail Malt Beverage (RMB) licenses at the Corbett Cow, 35905 E. Crown Point Highway, Corbett, Oregon, be DENIED.

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

Dated this 26th day of June, 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.