

BEFORE THE LIQUOR CONTROL COMMISSION  
OF THE STATE OF OREGON

In the Matter of the )  
Proposed Suspension of the )  
Retail Malt Beverage (RMB) )  
License held by: )

Robert F. and Mary R. Mix )  
GANG PLANK )  
346 N. Fourth Street )  
Reedsport, Oregon 97467 )

AND )

Dixie L. Morton )  
SERVICE PERMITTEE )  
946 South Hill Drive )  
Reedsport, Oregon 97467 )  
- - - - - )  
Douglas County )

FINAL  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

A hearing in the above matter was held on the 11th day of August, 1983, in Reedsport, Oregon, before Hearings Examiner Jill Thompson. The Licensees and Service Permittee appeared in person and were not represented by legal counsel. The Commission was not represented by legal counsel.

RECORD OF PREVIOUS VIOLATIONS

NONE.

On May 21, 1984 the Commission considered the record of the hearing, the applicable law and regulations, the Proposed Order of the Hearings Examiner, and Exceptions to the Proposed Order of the Hearings Examiner. Being fully advised, the Commission makes the following:

FINDINGS OF FACT

1. At all times relevant to the facts herein Robert and Mary Mix held a Retail Malt Beverage (RMB) license and DIXIE MORTON was a service permittee, at the GANG PLANK.

2. The Commission has charged Licensees and permittee with violation of OAR 845-06-045(4) (permitted criminal conduct by permitting sexual conduct in a live show, ORS 167.062(3)).

3. Subsequent to the hearing of this charge the Court of Appeals ruled ORS 167.062, as it applied to sexual conduct, unconstitutional. State v. House, 66 Or App 953, Mod. \_\_\_\_\_ Or App \_\_\_\_\_ (1984).

ULTIMATE CONCLUSIONS OF LAW

The statute which Licensees and the Permittee were charged with violating, ORS 162.062, has been overturned by the Court of Appeals; the conduct described by the statute is no longer criminal.

FINAL ORDER

It is hereby ordered that the charges against Robert F. and Mary R. Mix at the GANG PLANK, 346 N. Fourth Street, Reedsport, Oregon, and Dixie L. Morton, 946 S. Hill Street, Reedsport, Oregon, be DISMISSED.

Dated this 24th day of May, 1984.

William A. Thomas for  
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.