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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:)	FINAL
)	FINDINGS OF FACT,
GHT, Inc.)	CONCLUSIONS OF LAW,
MEDITERRANEAN TAVERN)	AND ORDER
1650 W. Burnside)	
Portland, Oregon 97209)	
- - - - -)	
Multnomah County)	

A hearing in the above matter was held on the 1st day of September, 1983, in Portland, Oregon, before Hearings Examiner Jill Thompson. The Licensee appeared in person and was not represented by legal counsel. The Commission was represented by legal counsel.

The Hearings Examiner, having considered the record of the hearing, the applicable law and regulations and being fully advised, issued a Proposed Order dated January 10, 1984.

No Exceptions were filed to the Proposed Order within the fifteen (15) day period specified in OAR 845-03-050.

RECORD OF PREVIOUS VIOLATIONS

NONE.

Now, therefore, the Commission hereby adopts the Proposed Order of the Hearings Examiner as the Final Order of the Commission, and enters the following:

FINDINGS OF FACT

1. At all times mentioned herein GHT, Inc. held a Retail Malt Beverage (RMB) license at the MEDITERRANEAN TAVERN, 1650 W. Burnside, Portland, Oregon.

2. Licensee's president is George Touhouliotis, who will be referred to herein as Licensee.

3. The Commission has charged Licensee with violation of ORS 471.315(1)(d) (maintaining noisy establishment).

4. The premises is located on the ground floor of a three-story building. The upper two floors are operated by the Ace Hotel, which provides accommodations for permanent and short-term guests.

5. On January 14, 1983 at about 11:30 p.m. Inspector Benefiel visited the managers and some residents of the Ace Hotel in response to a noise complaint about music from Licensee's premises. While he was there the noise from the music inside second-floor tenants' rooms was too loud to permit sleep, and drowned out normal-volume TV sounds; on the third floor the noise was loud enough to be disturbing.

6. Benefiel then went to the bar. A five-piece band was playing, and was too loud to permit normal conversation in the public area. He talked to Licensee about the noise; Licensee told him that his business was unprofitable without the music.

7. Licensee had been issued a Record of Verbal Instructions by the Commission regarding noise in December 1982.

8. Between January and June 1983 Ace Hotel residents were disturbed by loud music from Licensee's premises on most weekends from about 9:30 p.m. until 2:30 a.m. The noise interfered with their sleep and other normal living routines. The music usually increased in volume at about 1:30 or 2:00 a.m.

The music is sometimes live and sometimes recorded; when it is live, some tenants' floors and furnishings vibrate.

9. Licensee received oral warnings from the Commission about noise twice in January, and in April and May. Between January and June hotel residents reported noise complaints twice to the police, who visited the bar and spoke with Licensee or his employees.

10. On June 17, 1983 at about 10:30 p.m. Inspector Miller visited the Ace Hotel in response to a noise complaint about the Mediterranean. While at the hotel he went into two rooms, and the noise from the music was disruptive in each. He then went to the bar where he contacted Licensee and issued a Notice of Violation.

11. Licensee has attempted to persuade the building owner to install noise insulation but has been unsuccessful.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The commission may cancel or suspend any license, or impose a monetary penalty in lieu of or in addition to suspension as provided by ORS 471.322, if it finds or has reasonable ground to believe any of the following to be true:

(1) That the Licensee:

. . .

- (d) Maintains a noisy, lewd, disorderly or insanitary establishment
. . . ORS 471.315(1)(d).

Licensee's weekend entertainment as discussed above constitutes maintenance of a noisy establishment.

ULTIMATE CONCLUSIONS OF LAW

Licensee has violated ORS 471.315(1)(d) by maintaining a noisy establishment. No mitigating factors are presented. The fact that Licensee's landlord will not assist or assume the cost of noise insulation does not excuse Licensee from his responsibility to operate his premises inoffensively.

FINAL ORDER

It is hereby ordered that the Retail Malt Beverage (RMB) license held by GHT, Inc. at the Mediterranean Tavern, 1650 W. Burnside, Portland, Oregon, be SUSPENDED for ten (10) days or that Licensee pay a \$650 fine in lieu of suspension, for violation of ORS 471.315(1)(d) (maintaining a noisy establishment).

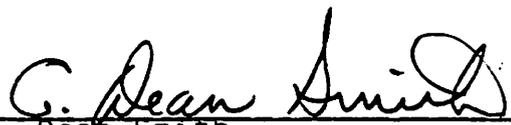
It is further ordered that due notice of such action, stating the reasons therefor, be given as provided by law.

If you choose to pay the fine it must be paid within ten (10) days of the date of this Order, otherwise the suspension must be served.

Dated this 30th day of January, 1984.



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.