

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Application for a)
Service Permit by:)
)
SANDRA A. STRONG)
1029 Sanford Street)
Coos Bay, Oregon 97420)
- - - - -)
Coos County)

FINAL
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER
OLCC-84-SP-005

A hearing in the above matter was held on the 27th day of September, 1984, in Coos Bay, Oregon, before Hearings Examiner Allen R. Scott. The Applicant appeared in person and was not represented by legal counsel. The Commission was not 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 September 27, 1984.

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

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. Applicant SANDRA A. STRONG seeks a service permit.
2. The Commission's staff has recommended that the application be denied based upon ORS 471.380(4) (convicted of violating the alcoholic liquor laws of Oregon).

3. Applicant has been convicted of driving under the influence of intoxicants on three occasions: 1977 - \$305 fine; 1978 - \$405 fine, 30 days in jail; 1982 - \$310 fine, 15 days in jail, five years probation. All of these convictions occurred in Oregon.

4. The 1982 conviction was for an incident which occurred in July, 1981.

5. Applicant began working as a bartender at Lindblad's, a licensed premises in Coos Bay, in February, 1984. She worked full time as a bartender until May, when her service permit application was denied by the Commission's staff.

6. Since May, Applicant has continued to work at Lindblad's as a janitor and clean-up person, working approximately 20 to 25 hours per week.

7. Applicant's supervisor at Lindblad's testified that Applicant has performed very good work and is "dedicated to her work and to the premises." The supervisor further testified that Applicant has not come to work intoxicated at any time during the six months she has been working at Lindblad's.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Commission may refuse to grant a service permit if it has reasonable grounds to believe any of the following to be true:

. . . .

(4) That the applicant has been convicted of violating any of the alcoholic liquor laws of this state, general or local, or

has been convicted at any time of a felony. ORS 471.380(4).

Applicant's convictions of driving under the influence of intoxicants are violations of the alcoholic liquor laws. Therefore, this statute provides a basis for denial of the application for a service permit.

Despite the seriousness of this record, the Commission recommends that the application be granted. This recommendation is based upon two factors. First is the fact that there is no indication that the drunk driving incidents had any relationship to any employment that Ms. Strong was involved in. She indicated that they occurred on purely social occasions. Applicant's present supervisor indicated that she has not observed Applicant intoxicated on the job during the six months that Applicant has worked at Lindblad's. The second factor is the support of the supervisor itself. The supervisor indicated that Applicant is a good employee and better than average in some respects.

For these reasons, the Commission recommends that the application be granted.

ULTIMATE CONCLUSIONS OF LAW

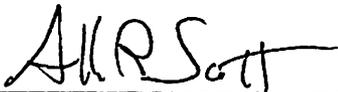
The service permit application should be granted, despite Applicant's convictions of violations of alcoholic liquor laws of Oregon, because there is no indication that Applicant will present a particular risk as a service permittee and because Applicant has the support of her employer.

FINAL ORDER

It is hereby ordered that the application for a service permit by Sandra A. Strong, 1029 Sanford Street, Coos Bay, Oregon 97420, be GRANTED.

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

Dated this 24th day of October, 1984.



Allen R. Scott
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.