

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the)	
Application for a)	
Change in Minor Posting by:)	FINAL
)	FINDINGS OF FACT,
BARBARA J. HOLLIDAY)	CONCLUSIONS OF LAW,
WELCOME INN)	AND ORDER
2535 NE Alberta Street)	
Portland, Oregon 97211)	
- - - - -)	
Multnomah County)	

A hearing in the above matter was held on the 21st day of December, 1983, in Portland, Oregon, before Hearings Examiner Jill Thompson. The Licensee 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 April 17, 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. Barbara J. Holliday holds a Retail Malt Beverage (RMB) license at WELCOME INN, 2535 NE Alberta Street, Portland, Oregon.

2. The premises is currently posted with a #1 posting (no minors permitted). Applicant has requested the following postings:

- a. #2 (no minors permitted in this portion) in bar area, 8:30 to 11:30 a.m. and 4:30 to 6:30 p.m. Monday through Saturday.
- b. #4 (minors permitted during meal hours) throughout the premises, Sundays from 10:00 a.m. to 6:00 p.m.
- c. #4A (minors permitted during two specified meal periods) on the east side of the premises, 8:30 to 11:30 a.m. and 4:30 to 6:30 p.m. Monday through Saturday.

3. The Commission has refused the requested change, stating the change would not reduce exposure of minors to consumption of alcohol or aid applicant in controlling the presence of minors. These standards are contained in OAR 845-06-040(1).

4. The interior premises consists of one large room with no dividers. It has a capacity of about 50 people. There are entrance doors on the east side of the building and a pool table in the southeast corner. The only passageway to the bathrooms is through the bar area.

5. Applicant serves three meals a day. She offers standard breakfast items in the morning and a variety of hot sandwiches and chili for lunch and dinner. The kitchen remains open until 10:00 or 11:00 p.m. Applicant's food sales average is at least 20% of her gross sales. Her reason for requesting a posting change is to expand her food service.

6. Applicant is willing to limit her requested posting to 9:00 to 11:30 a.m. Monday through Saturday and 10:00 a.m. to 1:00 p.m. Sunday.

7. Applicant is the only RMB licensee in the area with a full-time kitchen. Her patrons come primarily from the surrounding neighborhood. She anticipates a 10 to 15 percent food sales increase if minors are allowed to eat there during the hours mentioned in Finding of Fact 2.

8. Another RMB license about 25 blocks from Applicants, Stanich Ten Till One Tavern, is posted with a #3 (minors not permitted to loiter) or #4 in portions of its premises. Stanich's also consists of one large room; however, it contains a four-foot-high divider between the bar area and the other portion of the premises.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

Purposes for minors posting signs are to:

(a) Reduce exposure of minors where the primary activity is consumption of alcoholic liquors;

. . .

(d) Aid licensees in controlling the presence of minors which could have impact on their license privileges. OAR 845-06-040(1)(a)(d).

Minor postings are described as follows:

(a) Posting No. I, which reads "No Minors On These Premises", must be posted at the entrance to the licensed premises. This posting may be issued to any licensed premises and will normally be required for tavern-type operations where the sale and

consumption of alcoholic liquors is the primary activity. OAR 845-06-040(3)(a).

Although Applicant's food sales percentage is no doubt higher than that of many RMB licensees it does not overcome the fact that the sale of alcoholic liquor would remain the primary activity of the premises. Applicant currently has about a 20 percent food sales ratio; even if her projected food sales increase of 10 to 15 percent occurred as a result of granting a posting change, the food sales percentage would still be less than 25 percent, and thus the primary emphasis of the Welcome Inn would remain the sale of alcoholic beverages. Additionally, granting a posting change would increase exposure of minors to the consumption of alcoholic liquors, due to the lack of screening and the necessity of passing through the bar area to reach the bathrooms.

ULTIMATE CONCLUSIONS OF LAW

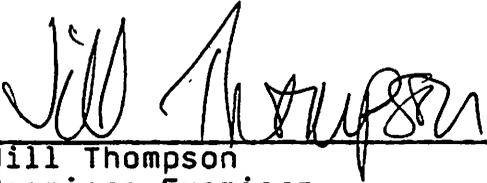
Applicant's request does not meet the criteria contained in OAR 845-06-040 in that the primary activity in the Welcome Inn is consumption of alcoholic liquor, and that exposure of minors to this consumption would increase if the posting changed.

FINAL ORDER

It is hereby ordered that the request for a change of posting by Barbara J. Holliday at Welcome Inn, 2535 NE Alberta Street, Portland, 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 7th day of May, 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.