

BEFORE THE LIQUOR CONTROL COMMISSION
OF THE STATE OF OREGON

In the Matter of the
Application for a
Service Permit by:

Donald J. Freeman
1806 NW Marshall
Portland, Oregon 97209

Multnomah County

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)
)
) FINAL
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND ORDER
)
) OLCC-84-SP-007
)

A hearing in the above matter was held on the 5th day of December, 1984, in Portland, Oregon, before Hearings Examiner Jill Thompson. The Applicant did not appear at the hearing 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 January 9, 1985.

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. Donald J. Freeman has applied for a service permit. Commission staff denied his application on the grounds that he made false statements on the permit application (ORS 471.380(2)) and that he had been convicted of a felony or of alcoholic liquor law violations (ORS 471.380(4)).

2. The service permit application form filled out by Applicant contains the following questions:

4a. Have you ever been convicted of, or sentenced, put on probation, or forfeited bail for, any crime, violation, or infraction of any law? (Include traffic violations with a fine or bail of \$50.00 or more.)
_____ Yes _____ No If so, list all.

<u>Offense</u>	<u>Date</u>	<u>City and State</u>	<u>Result</u>

4b. Are there presently pending against you any criminal charges, violations or infractions of the law? _____ Yes _____ No If so, list all.

<u>Offense</u>	<u>Date</u>	<u>City and State</u>	<u>Result</u>

Applicant checked "No" as an answer to each of the above questions.

3. In December 1979 Applicant was convicted in California of conspiracy to commit bank larceny, a felony. He was sentenced to six months incarceration and five years probation.

4. During an interview with OLCC staff, Applicant stated he had omitted his conviction from the permit application because he did not want his employer to learn of it.

5. The hearing on this matter was postponed once at Applicant's request. Applicant was notified of the date of the rescheduled hearing by mail and telephone. The mailed notice of hearing was sent to the most recent address supplied by Applicant, and was returned with a notation that Applicant had moved and left no forwarding address. A Hearings Division

staff member notified Applicant by telephone of the hearing date, place and time. On that occasion Applicant stated that the address was correct.

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:

. . .

(2) That the applicant has made false statements to the commission in the permit application. ORS 471.380(2).

Applicant falsely stated in his service permit application that he had not been convicted of a crime.

2. 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 was convicted in 1979 in California of conspiracy to commit bank larceny, a felony.

ULTIMATE CONCLUSIONS OF LAW

The application should be refused on the grounds that Applicant made a false statement in his service permit application (ORS 471.380(2)) and that he has been convicted of a felony (ORS 471.380(4)). Applicant did not appear at the hearing on this matter, so no mitigating factors have been shown.

FINAL ORDER

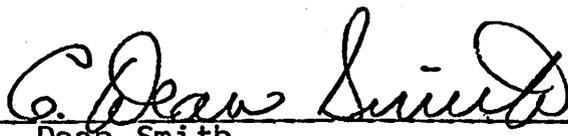
It is hereby ordered that the application for a Service Permit by Donald J. Freeman, 1806 NW Marshall, Portland, Oregon, be DENIED.

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 February, 1985.



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.