



# News Release

Oregon Liquor Control Commission  
9079 SE McLoughlin Blvd., Portland, OR 97222-7355  
1-800-452-6522

---

For more information:

Christie Scott, Public Affairs Specialist, (503) 872-5002

Janice Kindrick Regional Enforcement Manager, (503) 872-5157

[www.oregon.gov/olcc](http://www.oregon.gov/olcc)

August 1, 2011

## **OLCC issues immediate suspension on the liquor license of Annie's Uppertown Tavern**

**PORTLAND, Ore.** – The Oregon Liquor Control Commission has issued an immediate suspension on the liquor license of Annie's Uppertown Tavern in Astoria.

The suspension came as the result of the licensee's failure to maintain liquor liability insurance on the licensed business or a bond with a corporate surety in the amount of \$300,000 or more.

"Having liquor liability insurance is important to protect customers and employees inside your business should they get hurt from alcohol-related injuries," says Janice Kindrick, Regional Enforcement Manager. "Possessing a liquor license is a privilege. Liquor liability insurance is one of the requirements a business must follow to be allowed that privilege."

The insurance company notified the licensee, Timothy Esposito on June 8, 2011 that the insurance policy was cancelled. The business owner said he kept the business open to customers without liability insurance until about July 13.

The liquor license is held by Timothy Esposito. Annie's Uppertown Tavern is located at 2897 Marine Drive, in Astoria.

##

*"Promoting Responsible Alcohol Sales and Service"*

*Did you know that in the last two years, the OLCC distributed more than \$343 million to Oregon's General Fund, Cities, Counties, and Drug and Alcohol Abuse Programs? [See the distribution of dollars on OLCC's Website.](#)*

July 29, 2011

Timothy Esposito  
dba **ANNIE'S UPPERTOWN TAVERN (L)**  
2897 Marine Drive  
Astoria, OR 97103

CERTIFIED and REGULAR MAIL  
PERSONAL DELIVERY

### **ORDER OF IMMEDIATE LICENSE SUSPENSION**

Your Limited On-Premises Sales license is suspended **EFFECTIVE IMMEDIATELY**. You must stop selling alcoholic beverages at 2897 Marine Drive, Astoria, Oregon until further order by the Commission.

This Order of Immediate License Suspension is being issued because continued operation of your premises represents a serious danger to the public health and safety. ORS 183.430(2) and 471.168(6).

This suspension is based upon the following alleged Category I violation of ORS 471.168(1).

From about June 8, 2011 to the present, Licensee failed to maintain liquor liability insurance or a bond with a corporate surety in the amount of not less than \$300,000.00 for Annie's Uppertown Tavern.

In addition, the Commission will take separate action to propose cancellation of your license for this violation.

### **SERIOUS DANGER TO THE PUBLIC HEALTH AND SAFETY**

ORS 471.168(6) states that "Failure of a licensee to comply with liquor liability insurance or bond requirements imposed under this section constitutes a serious threat to public health and safety. In addition to any action available to the commission under ORS 471.313 or 471.315, the commission may immediately suspend or refuse renewal of a license as provided under ORS 183.430(2) if the licensee fails to comply with those insurance or bond requirements." Licensee Timothy Esposito was notified by the insurance company that the liquor liability insurance policy was cancelled effective June 8, 2011. On July 13, 2011, the premises was open for business.

### **RESPONSIBILITY FOR VIOLATIONS**

Licensees are responsible for the acts and omissions of their employees and representatives in violation of any law affecting license privileges (OAR 845-006-0362).

## **HEARINGS RIGHTS**

You have the right to a hearing to dispute the Immediate License Suspension. If you want a hearing, please sign and date the enclosed form and return it to the address listed on the form by 5:00 PM on October 27, 2011. Legal aid organizations may be able to assist a party with limited financial resources. Individuals may be represented by an attorney. You have a right to be represented by an attorney.

Hearings are conducted by the Office of Administrative Hearings under the jurisdiction of the Oregon Liquor Control Commission, according to the Administrative Procedures Act (ORS Chapter 183), Attorney General's Rules for the Office of Administrative Hearings (OAR Chapter 137) and Commission Administrative Rules (OAR Chapter 845 Division 03).

If you do not request a hearing within 90 calendar days of the date of this order, you will have waived your right to a hearing on the Immediate License Suspension.

OREGON LIQUOR CONTROL COMMISSION

Stephen A. Pharo  
Executive Director

SAP:BV

If you have any questions, please call 503-872-5128 or 800-452-6522, extension 5128.