



**OLCC's Guide to**

**Liquor Licensing**

**in Oregon**

*Promoting Responsible Sales and Service*

(rev.12/05)

# **OLCC's Guide to Liquor Licensing in Oregon**



The Oregon Liquor Control Commission (OLCC) wants to give you the resources and information you need to effectively participate in the liquor licensing process in Oregon.

This guide contains information to help you understand:

- The liquor licensing process
- How a liquor license is granted/denied
- Oregon's administrative hearings process
- How to become involved in the liquor licensing process

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# INTRODUCTION

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The Oregon Liquor Control Commission (OLCC) regulates the manufacture, distribution, and sale of alcoholic beverages in Oregon. As the state's alcohol regulatory agency, the OLCC wants you to have the information you need to effectively participate in Oregon's liquor licensing process. Your participation helps the OLCC address issues related to the sale and service of alcohol in your community.

While alcohol is a legal product for adults and is used responsibly by thousands of Oregonians, it also is widely recognized as causing a number of social and health problems. These adverse impacts are minimized by licensing and educating people who sell and serve alcohol, enforcing alcohol laws, and by involving citizens in the process of who is allowed to sell alcohol in our state.

This guide is for citizens and local governments. The OLCC welcomes your involvement in the state's liquor licensing process. The OLCC wants you to understand how the licensing process works and how you can become effectively involved in liquor licenses pending in your community.

Our goal is to provide you with the information you need to understand and have a meaningful role in liquor licensing. We look forward to working with you to address public safety and community livability standards.

# TABLE OF CONTENTS

## **PART I: STEPS IN THE LIQUOR LICENSING PROCESS**

Licensing process overview.....	6
Applying for a liquor license.....	7
Notifying the public.....	8
Local government recommendation.....	10
Temporary letter of authority to operate.....	11
OLCC investigation.....	12
OLCC director review.....	13
OLCC commissioners decide.....	15
Administrative hearings.....	16
OLCC commissioners take final action.....	17
Court of Appeals.....	17

## **PART II: TO GRANT OR DENY A LIQUOR LICENSE**

Liquor licensing criteria that OLCC may consider.....	19
Reasons for denying a license.....	21
Liquor license renewals.....	23

## **PART III: HEARING YOU: STEPS IN THE HEARINGS PROCESS**

Administrative hearings.....	25
Participating as a witness.....	25
Gaining party status.....	25
Hearing preview.....	26

**PART IV: CITIZEN INVOLVEMENT:  
How You Can Impact the Licensing Process**

Write a letter.....28  
Contact your local government.....29  
Contact an OLCC investigator.....29  
Attend OLCC commission meetings.....29  
Petitions.....30  
Liquor law violations: What to do if problems occur.....31  
Make a complaint.....31  
Common liquor law violations.....32  
What you can do about illegal activities.....33  
Make direct contact with the business.....34  
Good neighbor agreements.....34  
Portland’s mediation process.....35

**APPENDIX**

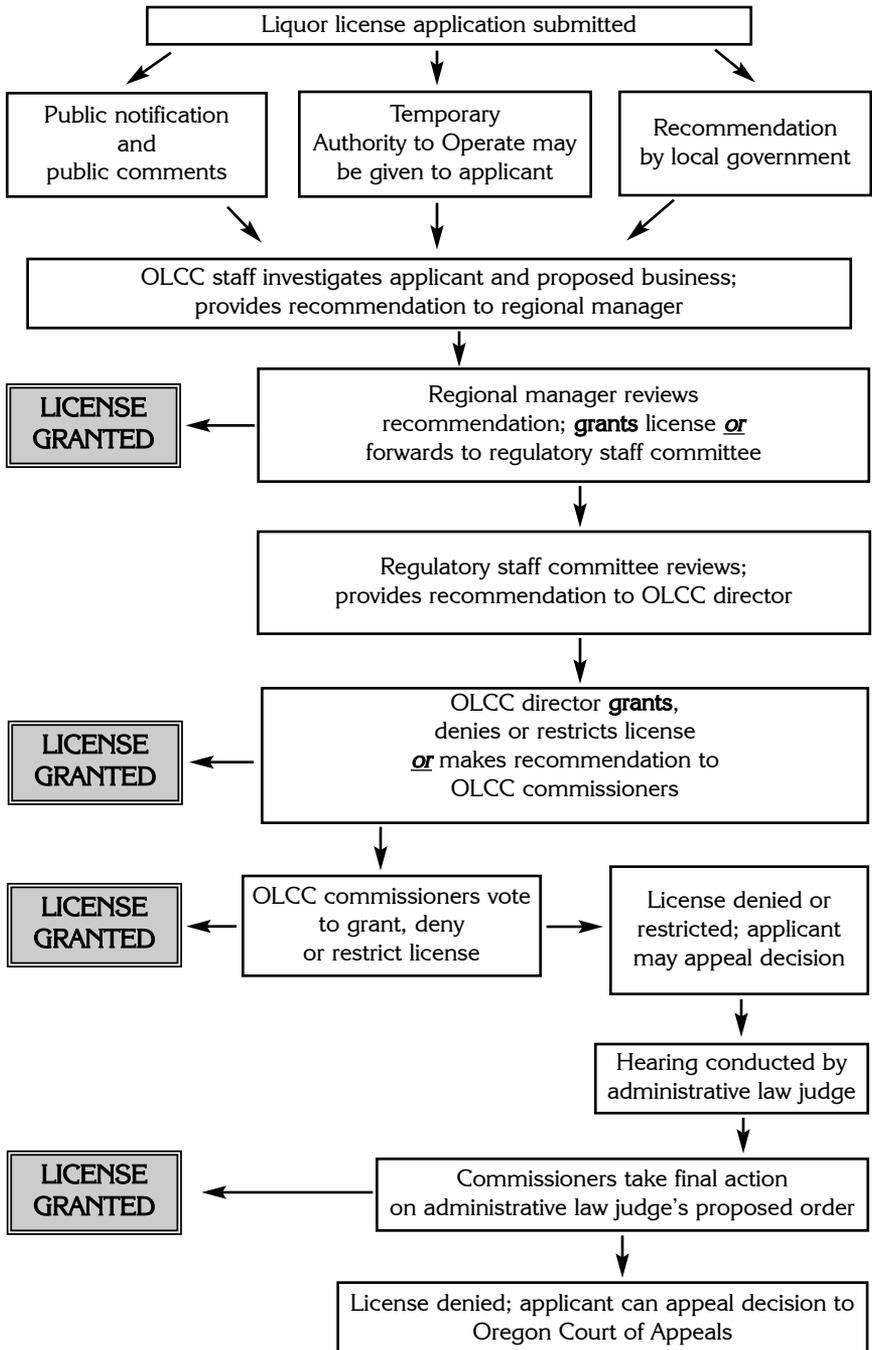
Liquor license renewal schedule.....36  
Types of liquor licenses.....37  
OLCC Incident Report Form.....39  
OLCC offices.....41  
Sample good neighbor agreement.....42

**[www.olcc.state.or.us](http://www.olcc.state.or.us)**

# **PART I**

## **STEPS IN THE LIQUOR LICENSING PROCESS**

# Licensing Process Overview



# STEP 1

## Applying for a Liquor License

Anyone who manufactures, distributes or sells alcoholic beverages in Oregon must be licensed by the OLCC. Anyone who serves alcohol as an employee or agent of a licensee must hold an alcohol service permit.

Almost anyone can apply for a liquor license, but approval is granted only after the OLCC has conducted an investigation. Applicants must provide information about their background and the type of business they intend to operate. Unless there is a refusal basis that is set in law, a license will most likely be granted.

OREGON LIQUOR CONTROL COMMISSION <b>LIQUOR LICENSE APPLICATION</b>		
<b>PLEASE PRINT OR TYPE</b>		
<b>Applicant's business needs to:</b>		<b>FOR CITY AND COUNTY USE ONLY</b>
<b>LICENSE TYPES</b> <input type="checkbox"/> Full On-Premises Sales (\$402,659yr) <input type="checkbox"/> Commercial Establishment <input type="checkbox"/> Caterer <input type="checkbox"/> Passenger Carrier <input type="checkbox"/> Other Public Location <input type="checkbox"/> Private Club <input type="checkbox"/> Limited On-Premises Sales (\$202,859yr) <input type="checkbox"/> Off-Premises Sales (\$150yr) <input type="checkbox"/> with Fuel Pumps <input type="checkbox"/> Brewery Public House (\$252,80) <input type="checkbox"/> Winery (\$250yr) <input type="checkbox"/> Other _____	<b>ACTIONS</b> <input type="checkbox"/> Change Ownership <input type="checkbox"/> New Outlet <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____	<b>The city council or county commission:</b> <small>(Name of city or county)</small> <b>recommends that this license be:</b> <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> By: _____ Date: _____ Name: _____ Title: _____ <b>OLCC USE ONLY</b> Application Rec'd by: _____ Date: _____ 90-day authority: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Applicant's:</b> <input type="checkbox"/> Individuals <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company		
1. Applicant: (See SECTION 1 of the Guide) (C) _____ (S) _____ (B) _____ (R) _____		
2. Trade Name (Other): _____		
3. Business Location: _____ (Public place, full table) (Self) (Off-site) (Other) (Liquor Store)		
4. Business Mailing Address: _____ (City) (State) (Zip)		
5. Business Number: _____ (City) (State) (Zip)		
6. Is the business at this location currently licensed by OLCC? <input type="checkbox"/> Yes <input type="checkbox"/> No		
7. If yes to whom _____ Type of License _____		
8. Former Business Name _____		
9. Will you have a manager? <input type="checkbox"/> Yes <input type="checkbox"/> No Name _____ (Please print name of manager for city/county)		
10. What is the local governing body where your business is located? _____ (Please print name of governing body)		
11. Contact person for this application: _____ (Name) (Title) (Phone Number)		
<b>I understand that if my answers are not true and complete, the OLCC may deny my license application.</b> <b>Applicant(s) Signature(s) and Date:</b> (S) _____ Date _____ (S) _____ Date _____ (B) _____ Date _____ (B) _____ Date _____		
<b>1-800-462-OLCC (6522)</b> <small>www.olcc.state.or.us</small>		
<small>(rev. 08/02)</small>		

Liquor license application forms are available at OLCC offices located throughout the state. A list of their addresses and telephone numbers is on page 41 of this guide.

This form is also available at [www.olcc.state.or.us](http://www.olcc.state.or.us).

## **STEP 2**

# **Notifying the Public**

When the OLCC receives an application for a new liquor license, a public notice is posted for 14 days on the front door, window or other conspicuous place of the building or property to be licensed.

The OLCC may post a public notice on a license change of ownership, if there is also a significant proposed change in how the business would be operated that may result in problems.



The public notice lists the applicant, the type of license they are applying for, and a description of the privileges that the license would allow.

The public notice also states that interested people can provide input by writing to the OLCC about the license application. Comments must include factual information to be useful in the investigation.

### **Letters of notification**

In addition to posting public notices, the OLCC sends notification letters to neighborhood associations, places of worship, schools, parks, hospitals, drug treatment facilities, nursing and convalescent homes, amusement parks, playgrounds and other recreational facilities located within 500 feet of the proposed outlet in an urban area, or within 1,500 feet in a rural area.

## **City of Portland**

The City of Portland Office of Neighborhood Involvement notifies neighborhood and business associations, nearby property owners, community groups, neighboring businesses and residents of liquor license applications. The city and police bureau consider information from these groups in making their recommendation to the OLCC.

## **Changes of licensee**

If OLCC staff know of potential problems with a license application for a new owner of an existing business, the public notice procedure is the same as with a new license application. The new owner-applicant must also get a recommendation from the local government. Change of licensee actions include adding or dropping a partner, significant change of stockholders in a private corporation, significant membership changes in a limited liability company, as well as a complete ownership change.

## **Changes of operation**

The OLCC may post a public notice if there is a change in the operation of the business, or a significant change in the emphasis on entertainment or hours of operation. Public notice will usually be provided when the licensee proposes a change that will significantly increase patronage overall, or significantly increase patronage for alcohol consumption or entertainment.

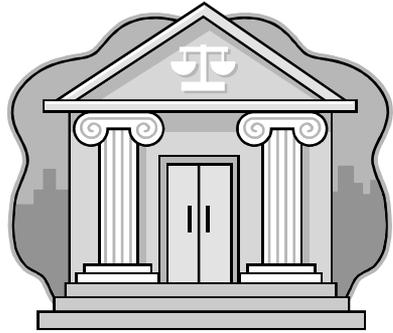
## **How to get more information**

If you have questions about a liquor license application, call the OLCC office nearest you. Information is also available at [www.olcc.state.or.us](http://www.olcc.state.or.us).

## STEP 3

### Local Government Recommendation

OLCC takes local government recommendations seriously, and carefully considers the facts and reasoning that support the recommendation.



Anyone applying for a liquor license must get a recommendation from the local governing body. The applicant takes a copy of the license application to the local city license bureau, police department, city council, or county commission where the business is located.

Local governments have 45 days to file their recommendation with OLCC. However, if the local governing body believes there is a basis in law to deny the license and wants to explore the issues, they can request an additional 45 days to make a recommendation to OLCC. The recommendation can be to grant, deny, grant a license with restrictions or conditions, or they may make no recommendation.

The reasons for a local governing body's recommendation are important. The OLCC can only consider factual information relating to the sale or service of alcoholic beverages, the type of proposed operation, the character of the neighborhood where the license would be located, the likelihood the specific type of proposed business could cause problems, or the applicant's background.

When deciding whether to grant or deny a liquor license, the OLCC cannot consider speculation on what (continued)

might happen. Under Oregon law, the OLCC is also not able to consider issues such as lack of parking, traffic flow problems or traffic volume, local zoning requirements, the number of licenses in a specific geographic area (saturation), or nude dancing or gambling issues.

## **STEP 4**

# **Temporary Letter of Authority to Operate**

Applicants for a new off-premises sales license (typically a grocery or convenience store) may receive a 90-day temporary letter to operate the business while the OLCC investigates the application.

Applicants for changes of ownership of existing grocery stores, taverns, lounges, and restaurants may also receive temporary letters of authority to operate the business for up to 90 days while staff reviews and investigates the application, if the OLCC determines there are no apparent grounds to deny the license.

The authority does not guarantee the applicant will receive a permanent license, and the OLCC may revoke this temporary authority.



## **STEP 5**

# **OLCC Investigation**

The OLCC assigns a license investigator to review the information received on a liquor license application and conduct an investigation of the proposed business and applicant. The investigator reviews all information submitted by the applicant, factual information provided by the public, the local governing body's recommendation and other materials gathered during the investigation.



After applying licensing criteria to the application and weighing the issues, the OLCC investigator makes a recommendation about whether to grant, deny, or restrict the license. The recommendation is based on law, case history, and OLCC policy.

The OLCC investigates an application by examining the applicant's background and the proposed use of the liquor license; proximity to facilities such as schools and places of worship; whether the area has a history of problems related to alcohol; whether the location has been considered a problem premise in the past; and whether the area has been designated an alcohol impact area.

Investigators may approve ownership changes at existing licensed businesses if there are no reasons to restrict or deny the license. New licenses and ownership changes that show a possible basis to deny or restrict the license must undergo further review.

After receiving the investigator's recommendation on license applications, the OLCC regional manager reviews the investigation and attachments, including letters and information from the public. Regional managers may approve a new license if there is no significant public opposition and there is no conflicts with licensing criteria.

## **STEP 6**

### **OLCC Director Review**

Some liquor license applications are reviewed by OLCC's executive director. This review may occur when:

- There is significant public opposition
- The application has received a negative local government recommendation
- The applicant has a criminal record relating to the ability to sell or serve alcohol
- The applicant has a conviction relating to driving under the influence of intoxicants
- An applicant has a record or habit of alcohol abuse, liquor law violations, or certain felony convictions
- The business location has a history of illegal activities

The OLCC executive director can decide to grant, deny or restrict the license.

Additionally, the executive director and deputy director have authority to impose conditions or restrictions on a license, or recommend that OLCC commissioners impose conditions or restrictions. If the director decides to deny or restrict the license, the applicant has a right to request an administrative hearing.

**The director can deny a license application based on:**

- ✓ **A history of serious and persistent problems**
- ✓ **Multiple liquor law violations**
- ✓ **Certain felony convictions**

Imposing conditions or restrictions is one way the OLCC addresses liquor-related issues and future alcohol-related problems. Examples of restrictions on an off-premises sales license might be a prohibition against selling fortified wine or malt liquor, or alcohol in large-size containers. A restriction for an on-premises sales license might limit the hours outside seating remains open to help reduce neighborhood noise problems.

## **STEP 7**

# **OLCC Commissioners Decide**

OLCC staff and the executive director have the authority to grant or deny most liquor licenses. Under certain circumstances however, a license application must be reviewed by OLCC commissioners.

### **A liquor license application MUST go before OLCC commissioners when there is:**

- **A negative local government recommendation**
- **Significant public opposition**
- **A recent record or current habit of alcohol abuse by the applicant**
- **A determination by the OLCC director of the potential for future law violations**

If OLCC commissioners decide to grant the license, the process ends and the license is granted. If they decide to deny or restrict the license, the applicant has the right to request an administrative hearing.

## STEP 8

# Administrative Hearings

If the OLCC executive director or commissioners decide to deny or restrict a liquor license, the license applicant may request an administrative hearing (also called a contested case hearing) to challenge the commissioners' action. An administrative hearing is an impartial review conducted by an Oregon administrative law judge (ALJ). The ALJ will gather information about the case, and allow the OLCC and the license applicant to testify during an administrative hearing.



A date for the administrative hearing is set by Oregon's Central Hearings Panel, the state program that conducts administrative hearings. The purpose of this hearing is to make a formal, legal, and impartial record of facts and arguments based on evidence and sworn testimony in favor and opposition to the liquor license. The hearing resembles a court proceeding, but is not as formal.

After the administrative hearing, the ALJ will write a proposed order, which summarizes the facts of the case and makes a recommendation about the liquor license. If you would like more information on how you can be involved in an administrative hearing, please see **Hearing You**, beginning on page 25.

## **STEP 9**

### **OLCC COMMISSIONERS TAKE FINAL ACTION**

If the OLCC or the license applicant file exceptions to the proposed order recommended by the administrative law judge, the matter is brought before the OLCC commissioners for final action. Commissioners may adopt the order as written or may change it based on information contained in the hearing record. At this point, no new information can be considered unless the hearing record is reopened. Only those with party status may speak before the commissioners concerning the case. More information on party status is located in **Hearing You**, beginning on page 25.

## **STEP 10**

### **COURT OF APPEALS**

If the liquor license applicant objects to the OLCC commissioner's final order, he or she may appeal the decision to the Oregon Court of Appeals. The court then decides whether the commission's action was appropriate.



# **PART II**

## **TO GRANT OR DENY A LIQUOR LICENSE**

Under Oregon law, the OLCC is given criteria to evaluate liquor license applications. The OLCC's decision to grant or deny a license **must be based on only these criteria**, which is important for involved citizens to understand. For example, a new liquor licensed business may offer types of entertainment that its neighbors find objectionable, or the business may cause local traffic problems. However, the OLCC has no legal authority to deny the liquor license based on these situations.

**The OLCC may consider the following criteria when deciding to grant or deny a license:**

- Local government recommendation directly related to state liquor laws
- Factual information from the public
- License applicant's adequate and verifiable financing for the business
- Adequate food service for full on-premises license applications (a full on-premises license can sell beer, wine and distilled spirits by the drink)
- License applicant's history of alcohol or drug abuse
- Applicant's criminal record
- Documented history of disturbances or illegal activities at the business location
- Applicant's history of liquor law violations
- Applicant's truthfulness on the liquor license application
- Likelihood that the business would have an adverse impact on the neighborhood
- Location in a problem area

**The OLCC has authority to address these problems:**

- Selling/serving alcohol to visibly intoxicated persons
- Selling alcohol to minors
- Adults making alcohol available to minors (also known as furnishing)
- Selling alcohol between 2:30 a.m. and 7:00 a.m.
- Licensee, employee or agent of licensee drinking on duty
- Illegal drug use or sale associated with a liquor licensed business
- Trespassing on private property
- Harassment
- Fights and assaults
- Excessive or obtrusive noise
- Vandalism
- Public drunkenness
- Public urination
- Lewd conduct
- Prostitution

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## **The OLCC does NOT have authority to address these issues:**

Nude dancing and other forms of legal entertainment

Litter other than alcoholic beverage containers  
and related litter

Advertising not related to alcohol

Inadequate parking

Traffic congestion

Devaluation of property

Zoning-related issues

Saturation of liquor outlets in the area

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## **Reasons for Denying a License**

Under the law, the OLCC may deny a liquor license for a limited number of criteria, which are discussed below.

### **Problems related to liquor**

When the OLCC receives information that a proposed location or an existing licensed business has problems, staff considers the question: Are the problems related to the use of the liquor license? In other words, one must be able to reasonably conclude that there is a connection between the use of the liquor license and disturbances or unlawful activities occurring in or around the business location.

Oregon liquor laws relate only to the manufacture, sale, service and use of alcohol. The OLCC does not have the authority to control problems that can not be (continued)

reasonably connected to the liquor license. Traffic problems, increasing business development, nude entertainment and parking issues are examples of concerns that are outside the authority of the OLCC.

### **Illegal activities and disturbances**

The OLCC may refuse to renew a license if an owner, operator, employees or customers of the business are involved in illegal activities in or near the business, or there are serious and persistent problems with fights, noisy activities or other disturbances in or around the business. Any such problems must be linked to the business or its patrons by evidence, not by speculation or guesswork.

In some instances, such as licensed premises located in an area with a history of serious and persistent problems, the problems may not need to be alcohol related.

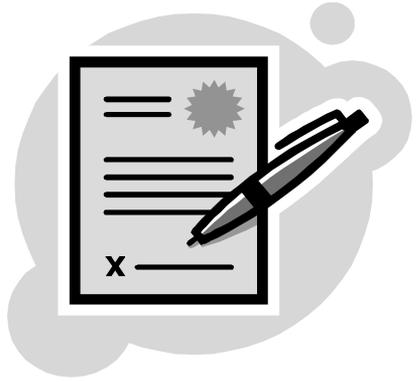
### **Likelihood of illegal activity**

Liquor laws do not allow the OLCC to deny a license because there is a possibility that granting the license will result in criminal activity. Rather, there must be a reasonable probability that granting the license will give rise to criminal activity.

The likelihood of criminal activity can be supported by a poor record of obeying liquor laws if the applicant formerly held a liquor license. Probability of criminal activity can also be demonstrated if the business caused or was the focal point of illegal activity under previous management.

# Liquor License Renewals

Every liquor license in Oregon must be renewed annually. If a business with a liquor license has operated without significant problems or liquor law violations, the OLCC probably will renew the liquor license.



However, if the OLCC receives numerous complaints about a business, or if the business has problems complying with liquor laws, an OLCC inspector will conduct a renewal investigation. The law allows a business to continue operating during the investigation. The local governing body may also provide a recommendation.

If the OLCC decides against renewing a liquor license, the business may request an administrative hearing within 60 days (20 days in some cases) of the non-renewal notice. The business may continue selling alcohol throughout the hearing process and until the final OLCC decision becomes effective.

Even if the OLCC refuses to renew a license or revokes a license, a business may continue to operate, as long it is not selling alcohol. The OLCC's authority applies only to the sale or service of alcoholic beverages.

# **PART III**

## **HEARING YOU: STEPS IN THE HEARING PROCESS**

# Administrative Hearings

An administrative hearing (also called a contested case hearing) is not as formal as a court proceeding, but is similar in many ways. For example, the administrative hearing is not open for public comment, except for those called to testify as witnesses or who are party to the proceedings. Testimony offered at an administrative hearing must be relevant to the issues of the case and be under oath.



The purpose of an administrative hearing is to make a record of the facts and arguments surrounding a case, such as a case about a contested liquor license. The hearing is held before an impartial administrative law judge (ALJ). Following a hearing on a contested liquor license, the ALJ prepares a report of the facts and makes a recommendation for OLCC commissioners to consider.

## Participating as a Witness

You may be asked by the OLCC or the license applicant to testify under oath and may receive a subpoena to present documents or any other evidence that should be considered in the record. If you are to be called as a witness, you will be notified in advance of the hearing.

## Gaining Party Status

Party status gives you equal status with the liquor license applicant. You may call witnesses, ask questions and present evidence. This is a more complicated role in the hearing and involves more time than just being a witness.

To gain party status, you must show that you have an interest in the matter that will not adequately be represented by the OLCC. A person or group must file a formal request with the OLCC's Administrative Process Division to gain party status. The request must be received at least 21 days before the hearing. To gain party status you may represent yourself, but legal entities such as corporations must be represented by an attorney.

If you participate as a party at the administrative hearing, you may file exceptions to the ALJ's proposed order. Whether you or another party files exceptions, you will be notified when the OLCC commissioners consider the proposed order. Only parties to the case and OLCC staff may present information at the meeting where the commissioners take final action. Remember, OLCC commissioners may only consider information that the ALJ has heard and considered in the proposed order.

## **Hearing Preview**

If you are to be a participant in an administrative hearing, ask to see the OLCC video "Hearing You: The Liquor Commission's Hearing Process." This video will help you understand how administrative hearings are conducted. The 20-minute video is available at OLCC offices.

# **PART IV**

## **CITIZEN INVOLVEMENT: HOW YOU CAN IMPACT THE LICENSING PROCESS**

Citizens often ask how they can offer information or express their concerns about a specific liquor license application. Here are ways to effectively get involved in the licensing process.

## Write a Letter

A letter is an effective tool for you to tell the OLCC specific information you have concerning the proposed liquor license. If the OLCC learns about specific problems from your letter, an OLCC investigator can look further to determine if the problems are related to the use of a liquor license. Your letter becomes a document in the OLCC's license file and is a part of the public record. In your letter, like the example shown below, state problems directly related to the use of a liquor license.

OLCC  
Regulatory Field Services  
9079 SE McLoughlin Blvd.  
Portland, OR 97222

Dear OLCC:

We object to a liquor license at 393 Elm Street because when this place was licensed previously, there were many problems. For instance, on Friday, July 19, 2005, there was almost a riot in the parking lot involving several people who had just stepped out of the tavern.

One week later, we were awakened at 1:30 a.m. by two drunken men who had just left the bar and were having a loud argument and shoving match on our front lawn. There have been numerous other incidents of this nature. We hope that this license will not be granted.

Sincerely,

Jane and John Doe

## **Contact Your Local Government**

You can express your concerns about a liquor license application to the city or county government before it makes a recommendation to the OLCC. The OLCC office serving your area can help you identify which local government office processes liquor licenses. See page 41 for a listing of OLCC offices. To find out when a local government will consider a specific license recommendation, contact the city or county licensing department.

## **Contact an OLCC Investigator**

OLCC investigators can tell you the status of an application and investigation. The investigator handling a certain license application may ask you to send a letter stating your concerns, objections or support for the proposed license. Written documentation or letters have a stronger impact on the record than do an investigator's notes regarding a phone call by an individual.

## **Attend Commission Meetings**

If you have information on a licensing matter, you may want to speak before the OLCC commission votes on the specific liquor license application. OLCC commissioners meet monthly to make licensing decisions, consider policy matters and take care of other agency business. Every other month (February, April, June, etc.), commission meetings are in person, affording the public an opportunity to speak to a specific license matter; the other months (January, March, May, etc.) are generally telephone meetings, and normally would not allow an opportunity for public comment.

### **To be most effective when appearing before the commissioners:**

- ✓ Choose a spokesperson to represent your group
- ✓ Present a concise statement of your position (you may also want to submit your statement in writing)
- ✓ Be prepared to answer questions
- ✓ There may be a time limit given to each individual or group (the commission chair will indicate to the public what time period will be allowed)

For information on the commission meeting agenda, date and time of commission meetings, call (503) 872-5006 in Portland, or toll-free 1-800-452-6522, ext. 5006. This information is also available online at [www.olcc.state.or.us](http://www.olcc.state.or.us).

## **Petitions**

Although petitions can demonstrate support or opposition to a proposed liquor license, the OLCC investigator needs factual information based on what individuals have observed that relates specifically to the proposed license. Preprinted petitions or form letters containing general statements in support or opposition to a license don't have a significant impact on the licensing decision.

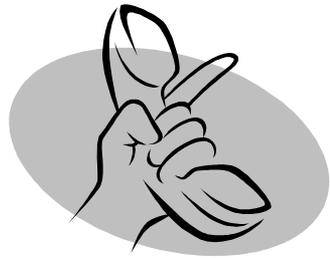
# Liquor Law Violations: What To Do If Problems Occur

An important part of the liquor licensing process is evaluating how well a business operates under its liquor license. If there are alcohol-related problems at a business, the OLCC will use the business' history in deciding whether to renew the liquor license, or to issue a license to a new business at the same location.

OLCC encourages citizens and local governments to provide information about how a business operates under its liquor license. If there are reports about unlawful activity, the OLCC will investigate whether or not the liquor license is up for renewal. The OLCC can suspend a liquor license for a period of time, or permanently cancel a license for serious violations of the law.

## Make a Complaint

If you see or know of a liquor law violation, contact the OLCC as soon as possible and provide as much information as you know. When you call, you will be asked questions such as:



- What business was involved?
- What exactly happened?
- When did the incident happen? Date? Time?
- Who was involved?
- Do you have a physical description of those involved?
- Do you know the names of anyone involved?

- Do you know if this ever happened before? When?
- Were there any witnesses? Who?
- If the incident happened outside the building, how do you know the incident is connected to the business?
- May we contact you for further information if necessary?

## **COMMON LIQUOR LAW VIOLATIONS**

Sale and/or service of alcohol to  
visibly intoxicated persons

Sale and/or service of alcohol to minors

Minors allowed in an area restricted to adults

Allowing disorderly activities – fights, unruly customers,  
harassment or threats to others

History of serious and persistent problems

Selling and/or serving after hours:  
Alcoholic beverages can only be sold or served  
between 7:00 a.m. and 2:30 a.m.

Bartenders or servers drinking on duty,  
or not having valid service permits

# What You Can Do About Illegal Activities

If you see illegal activity, such as drug dealing in the parking lot of a business with a liquor license, call the police first. When the OLCC gets police reports or has verified knowledge of illegal activities, we investigate and take appropriate action. Illegal activities can be reason to deny or revoke a liquor license.

OLCC takes steps to ensure liquor licensees comply with liquor laws. The first action of choice against a licensee who violates a liquor law is to educate or counsel the licensee about the laws that govern the operation of their business. The next step is to issue a warning or violation ticket, depending on the severity of the violation. A ticket may result in a fine or license suspension. If the problems are serious and become persistent, or become a risk to public safety, OLCC staff may take steps to cancel the license.

OLCC also issues citations to people who are not licensees, but who are violating liquor laws. These people include store clerks, minors in possession of alcohol, and people purchasing alcohol for minors.

Record what you see. Consider keeping a notebook about the activities you observe. An incident log can be valuable evidence at an administrative hearing. Helpful information to include in a log includes specific dates, times, length of incidents, number of people involved – customers or employees – and names of any employees or patrons. The OLCC provides incident report forms, such as the sample shown on page 39.



## **Make Direct Contact with the Business**

You may want to try contacting the business owner or operator directly. Sometimes owners are not aware of the conduct of patrons or activities of their employees. By making the owner or operator aware of problems, he or she may deal with them before they escalate.

## **Good Neighbor Agreements**

A good neighbor agreement is a written document used to list agreements between the neighborhood and the liquor license holder. The agreement facilitates a better working relationship between the licensee and



the neighborhood in which they do business. This is often a good process to help reduce concerns of neighbors about potential problems or to address existing problems in a proactive manner. A sample good neighbor agreement is on page 42 of this guide.

There are a variety of issues that may be addressed in a good neighbor agreement, including noise related to entertainment such as soundproofing, outdoor music, or music volume; hours of service, patio or deck service; patron behavior inside and outside of the building including rules of behavior of customers; security, or parking control; appearance and safety of property such as lighting, physical maintenance, litter patrol, graffiti control and clean-up; and a commitment to improved communication with neighbors including availability to neighbors, involvement with the neighborhood association, responsiveness to problems, reporting of crime and suspicious activity.

## **Portland's Mediation Process**

If you live in Portland and feel your concerns about a liquor business aren't being resolved, or you are not getting the results you want, you may contact the Neighborhood Mediation Center at 503-823-3152. The center may be able to assist you in resolving the problem if the licensee agrees to participate in the mediation process.

The City of Portland License Bureau's regulatory section may also be a resource for assistance with liquor businesses. The phone number is 503-823-5157.

Other cities may also have this service. Please contact your local government for more information and assistance.

# APPENDIX

## Liquor license renewal schedule

Renewal dates for liquor licenses are determined by the location of the business. The public notification process begins three months before the license expires.

### **The renewal process starts in January for:**

Clackamas, Clatsop, Columbia, Marion, Polk, Tillamook, Washington, and Yamhill counties. Liquor licenses are effective from Apr. 1 through Mar. 31.

### **The renewal process starts in April for:**

The counties of Benton, Coos, Curry, Douglas, Lane, Lincoln and Linn, and the city of Portland (south of Burnside Ave.). Liquor licenses are effective from Jul. 1 through Jun. 30.

### **The renewal process starts in July for:**

Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler counties. Liquor licenses are effective from Oct. 1 through Sep. 30.

### **The renewal process starts in October for:**

Multnomah county, including the city of Portland (north of Burnside Ave.). Liquor licenses are effective from Jan. 1 through Dec. 31.

# Types of liquor licenses

## **Full On-Premises Sales License**

Allows the sale and service of distilled spirits, malt beverages, cider, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.

## **Limited On-Premises Sales License**

Allows the sale of malt beverages, wine and hard cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off-premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises.

## **Off-Premises Sales License**

Allows the sale of malt beverages, wine and cider in factory-sealed containers for consumption off the licensed premises, and allows approved licensees to offer sample tasting of malt beverages, wine and cider on premises.

## **Brewery-Public House License**

Allows the manufacture and sale of malt beverages, and sale of wine and cider for consumption on or off the premises.

## **Winery**

Allows the licensee to import, bottle, produce, blend, store, transport and export wines, and allows wholesale sales to OLCC licensees, and retail sales of malt beverages and wine for consumption on or off the licensed premises.

## **Brewery**

Allows the manufacture, importation, storage, transportation and wholesale sales of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises and in kegs under certain circumstances.

## **Certificate of Approval**

Allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine and malt beverages into Oregon for resale to certain licensees.

## **Distillery**

Allows the holder to import, manufacture, distill, rectify, blend, denature and store distilled spirits. A distillery that produces brandy or pot-distilled liquor may permit sample tasting on the premises.

## **Growers Sales Privilege**

Allows importing, storing, transporting, exporting, and wholesale and retail sale of wines made from fruit grown in Oregon.

## **Warehouse**

Allows storing, importing, exporting, bottling, producing, blending and transporting wine and malt beverages.

## **Wholesale Malt Beverage and Wine**

Allows the importation, storage, transportation and wholesale of malt beverages and wine to OLCC licensees, and limited retail sales to the public.



# INCIDENT REPORT

Most businesses that sell alcohol obey the liquor laws and want to be good neighbors. But sometimes problems do occur.

If you have a complaint about the customers of a business that sells alcohol, please fill out this form and return it to the nearest OLCC office. An inspector will read your report and decide what action to take.

We can enforce the liquor laws best when people with a complaint identify themselves and are willing to testify about the incident. But we will also take complaints from people who don't want to testify or give their names.

**Name of Business Involved:** \_\_\_\_\_ **Date of Incident:** \_\_\_\_\_

**Address of Business:** \_\_\_\_\_

**Time Incident Occurred (from)** \_\_\_\_\_ **(to)** \_\_\_\_\_ **Number of People Involved** \_\_\_\_\_

**Type of incident (Please check):**

- shooting/stabbing
- verbal threat
- prostitute solicitation
- fighting
- harassment
- shouting/yelling
- assault
- drinking in public
- loud music from business
- gang activity
- loud argument
- loud music from vehicle
- drug activity
- urinating in public
- noisy vehicle
- pushing/shoving
- trespassing on public property
- alcohol-related litter
- other: \_\_\_\_\_

**Where did the incident occur:**

- inside the business
- right outside of the business
- in the parking lot
- on the sidewalk next to the business
- in the street near the business
- other: \_\_\_\_\_

**Check if appropriate:**

- someone was injured
  - weapon involved
  - business employees intervened
  - 9-1-1 was called Time: \_\_\_\_\_
  - police came
  - the business was called
- Time of Call: \_\_\_\_\_ Who did you talk to: \_\_\_\_\_

**Can you identify anyone who was involved in the incident or who was a witness?**

- Yes
- No (please identify on the back of the form.)

**Did the incident involve a patron of the business?**

- Yes
- No

**If so, did you see the person(s):**

- Buy or consume alcohol there
- Go into the business
- Come out of the business
- Other: \_\_\_\_\_

**Your name** \_\_\_\_\_ **Phone (home)** \_\_\_\_\_ **(work)** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Are you willing to testify about this incident?**  Yes  No **Today's Date:** \_\_\_\_\_

*Please describe the incident in your own words on the back of this form. This will help us a lot.*

(front of form)

**Please describe the incident:**

If you view the incident as serious, send this form to the nearest OLCC office immediately. Otherwise, you may wish to save the forms and send them in monthly.

**PORTLAND MAIN OFFICE**

9079 S.E. McLoughlin Blvd.

Portland, OR 97222

**MAILING ADDRESS:**

P.O. Box 22297

Milwaukie, OR 97269-2297

Phone: (503) 872-5000

Toll free in Oregon: (800) 452-6522

Fax: (503) 872-5074

**BEND**

20360 Empire Ave., Suite B-3

Bend, OR 97701

Phone: (541) 388-6292

Fax: (541) 388-6321

**COOS BAY**

500 Central

Coos Bay, OR 97420

Phone: (541) 266-7601

Fax: (541) 266-7234

**EUGENE**

927 Country Club Road, Suite 200

Eugene, OR 97401

Phone: (541) 686-7739

Fax: (541) 687-7381

**KLAMATH FALLS**

107 S. 7th

Klamath Falls, OR 97601

Phone: (541) 883-5600

Fax: (541) 883-5507

**MEDFORD**

15 Crater Lake Avenue

Medford, OR 97504

Phone: (541) 776-6191

Fax: (541) 265-4521

**NEWPORT**

715 S.W. Fall St.

Newport, OR 97365

Phone: (541) 265-4522

Fax: (541) 265-4521

**PENDLETON**

State Office Building

700 S.E. Emigrant, Suite 140, #12

Pendleton, OR 97801

Phone: (541) 276-7841

Fax: (541) 278-4086

**ROSEBURG**

251 N.E. Garden Valley Blvd.

Suite A-3

Roseburg, OR 97470

Phone: (541) 440-3362

Fax: (541) 440-3361

**SALEM**

213 Madrona Street S.E.

Salem, OR 97302

Phone: (503) 378-4871

Fax: (503) 378-4594

**WARRENTON**

65 N. Hwy.101, Suite A

P.O. Box 967

Warrenton, OR 97146

Phone: (503) 861-3912

Fax: (503) 861-6074

***Promoting Responsible Alcohol Sales and Service***

9079 SE McLoughlin Blvd. • Portland, OR 97222-7355

Ph (503) 872-5000 • Fax (503) 872-5042 • toll free (800) 452-6522

[www.olcc.state.or.us](http://www.olcc.state.or.us)

**(back of form)**

## **OLCC Offices (and the counties they serve)**

### **OLCC MAIN OFFICE**

9079 SE McLoughlin Blvd.  
Portland, OR 97222  
503-872-5000 / 1-800-452-6522

#### **Mailing address:**

PO Box 22297  
Milwaukie, OR 97269-2297

**Counties:** Clackamas, Columbia,  
Hood River, Multnomah, Tillamook,  
Washington (Clatsop & Tillamook for  
licensing issues)

### **BEND**

Deschutes Business Park  
20360 Empire Ave., Suite B-3  
Bend, OR 97701

541-388-6292 or 541-388-6299

**Counties:** Crook, Deschutes, Harney,  
Jefferson, Wheeler

### **COOS BAY**

500 Central  
Coos Bay, OR 97420  
541-266-7601

**Counties:** Coos, Curry

### **EUGENE**

927 Country Club Road, St. 200  
Eugene, OR 97401  
541-686-7739

**Counties:** Benton, Lane

### **KLAMATH FALLS**

107 South 7th  
Klamath Falls, OR 97601  
541-883-5600

**Counties:** Klamath, Lake

### **MEDFORD**

15 Crater Lake Ave.  
Medford, OR 97504  
541-776-6191

**Counties:** Jackson, Josephine

### **NEWPORT**

715 SW Fall St.  
Newport, OR 97365  
541-265-4522

**County:** Lincoln

### **PENDLETON**

State Office Building  
700 SE Emigrant St.,  
Suite 140, #2  
Pendleton, OR 97801  
541-276-7841

**Counties:** Baker, Grant, Gilliam,  
Malheur, Morrow, Sherman,  
Umatilla, Union, Wallowa, Wasco

### **ROSEBURG**

251 NE Garden Valley Blvd.  
Suite A-3  
Roseburg, OR 97470  
541-440-3362

**County:** Douglas

### **SALEM**

213 Madrona St., SE  
Salem, OR 97302  
503-378-4871

**Counties:** Linn, Marion, Polk,  
Yamhill

### **WARRENTON**

65 N. Hwy. 101, Suite 200  
PO Box 967  
Warrenton, OR 97146  
503-861-3912

**Counties:** Clatsop, Tillamook  
(Compliance Issues)

# **SAMPLE NEIGHBORHOOD AGREEMENT (from the City of Portland)**

Name of business and \_\_\_\_\_ Neighborhood Association  
Good neighbor agreement  
date

## **1.01 Background**

Name of business is a restaurant on \_\_\_\_\_ located within the \_\_\_\_\_ Neighborhood Association. This restaurant is located in an area with heavy pedestrian traffic and activity that may have an impact on the surrounding residents. The partners of this agreement are committed to minimize the negative impact of this business and it's customers on the livability of the neighborhood.

## **2.0 Formation of the Partnership**

The following Good Neighbor Agreement is made between the undersigned (hereinafter referred to collectively as the "Partners") for the property d/b/a name and address (Restaurant), owned and operated by Name of corp or applicant (Owner). The issues addressed in this Agreement have been developed by the Owner, the \_\_\_\_\_ Neighborhood Association, the Office of Neighborhood Involvement Crime Prevention (ONI) and the Police Bureau.

This Agreement is founded in the belief that a successful business relies, in part, on the strength, cooperation, and support of the neighborhood around it, and that the strength of the neighborhood relies, in part, on the responsibility, vitality, and strength of the businesses operating within it.

The issues addressed in this Agreement have been agreed upon by all of the parties mentioned above. We acknowledge that this document represents the good faith effort by all parties to resolve the issues identified herein.

## **3.0 Duration**

This Agreement shall begin \_\_\_\_\_ and shall remain in effect until all parties agree to dissolve the agreement. The parties shall meet annually to review the status of the agreement.

## **1.04 Goals of the Agreement**

**3.01 Maintain the livability and safety of the neighborhood.**

**3.02 Minimize nuisance issues, crime and fear of crime in and around the restaurant.**

**3.03 Develop and maintain clear communication channels between all partners.**

**3.04 Restaurant Operating Policies**

## **4.01 Operations**

List operating hours - may include the type of license they will hold/alcohol they can sell.

## **4.02 Outdoor Seating**

In the event that the Restaurant allows outdoor seating, it shall be allowed no later than 10 p.m. In the event that noise complaints arise as a result of the outdoor seating, Owner agrees to work with the neighbors and association to mitigate concerns.

## **4.03 Litter/Vandalism**

Restaurant shall keep the exterior of the premises and the alley free of litter, garbage and graffiti. The Owner or employees shall make every effort to document the graffiti by taking pictures and/or writing down descriptions of the graffiti before cleaning it off of the premises. Restaurant shall share any pictures of graffiti with the Graffiti Abatement Program and/or the police.

Restaurant shall utilize appropriate methods (such as locking dumpsters) to minimize availability of garbage and recycling for transients after hours.

## **4.04 Delivery Trucks/Garbage Haulers**

Delivery trucks and garbage haulers shall not provide services to Restaurant between the hours of 10:00 p.m. and 7:00 a.m.

## **4.05 Noise**

The Owner shall take reasonable actions to manage and control the noise level of patrons inside and outside the Restaurant. The residents living and businesses working near the Premises that are disturbed by noise caused by the Restaurant or patrons of the Restaurant should contact the Owner/Restaurant Manager and can expect an immediate

response. The police and/or Noise Control Office will be notified of any situation that shall warrant their attention.

Restaurant shall post signs inside and outdoors and make announcements for departing parties (if appropriate) reminding patrons to be considerate of residents and keep the noise down in the neighborhood.

#### **4.06 Entertainment**

Restaurant shall have live music no later than \_\_\_\_\_. In the event that noise from live or recorded music creates complaints from neighbors, the Restaurant shall attempt to mitigate concerns and meet with neighbors to discuss resolution if appropriate (keeping windows closed, employing security, etc).

#### **4.07 Troubleshooting**

Restaurant shall maintain an incident/complaint log, which shall be freely accessible to the partners. The log will include, but not be limited to, the following information:

- All disturbances, inside and outside the premises related to Restaurant customers
- Names and/or descriptions of all persons denied service and/or trespassed from the property (86'd)
- All phone calls to law enforcement

### **1.05 Roles/Duties of Partners**

#### **5.01 Restaurant agrees to:**

- Include this agreement as part of their OLCC operating and business plans
- Follow the operation guidelines agreed upon in the previous section
- Maintain an ongoing relationship and open communication with neighbors and partners
- Participate in follow up meetings
- Follow up promptly on neighbor concerns related to the restaurant or it's customers
- Provide all employees with a copy of this agreement

#### **5.02 Neighborhood Association and Neighbors agree to:**

- Support the granting and renewal of restaurant's liquor license

- Report any nuisance issues to the restaurant management
- Report any crime issues to the police and restaurant management
- Document incidents occurring in and around Restaurant and forward documentation to the appropriate partner and/or agency
- Participate in follow up meetings when appropriate

**5.03 Office of Neighborhood Involvement Crime Prevention Program agrees to:**

- Maintain a copy of the Good Neighbor Agreement and provide copies to the partners upon request
- Provide technical assistance
- Facilitate meetings and mediate minor disputes among parties if requested
- Provide information and updates to partners regarding problems in the area
- Provide follow-up training upon request

**5.04 (OPTIONAL) Portland Police Bureau agrees to:**

- Patrol the area on a regular basis by the district car
- Conduct walk-throughs during business hours whenever possible
- Provide advice and assistance to the restaurant where necessary or requested
- Attend follow-up meetings as necessary

**1.06 Administration**

**6.01 Maintenance**

The Crime Prevention Specialist will keep this agreement at the Office. The ONI Crime Prevention Program shall maintain this agreement and make it available to the undersigned partners at their request.

**6.02 Meetings**

The partners may meet annually to continue to coordinate efforts and evaluate the Agreement. These meetings will be coordinated by Crime Prevention staff upon request. At any other time, any of the partners may call a meeting on an as-needed basis. Upon written request from a partner, Crime Prevention staff will coordinate the calling of the meeting by sending notice to all partners of this agreement. The notice will

include the date, time and place of the meeting. Every effort will be made to ensure that the written notices are sent in a timely fashion.

**6.03 Sale of the Business**

In the event that the Owner sells the Restaurant, the current Owner agrees to give the buyer a copy of the Good Neighbor Agreement. The Owner will make every reasonable attempt to ensure/persuade the buyer to continue the Good Neighbor Agreement and allow it to be incorporated into the contract of the sale of the business. The Owner will give the Association 60 days notice of intent to sell the Restaurant.

**7.04 Problem Solving**

If a problem does arise, neighbors shall first attempt to contact Restaurant management to resolve the problem. Management will make every effort to address the concerns in a timely fashion.

If the problem persists, neighbors shall contact the Crime Prevention Specialist, Liquor Licensing Specialist and/or Oregon Liquor Control Commission for assistance resolving the problems. Additional resources (mediation, other agencies) may be utilized to resolve the problems.

All partners recognize that if problems involve illegal activities, neighbors will contact the police to report the activity, as well as following the steps outlined above.

**1.07 Signatures**

By their signature, all parties agree to abide by the Good Neighbor Agreement.

Owner	Date
Neighborhood Assoc.	Date
Crime Prevention Center, ONI	Date
Portland Police Bureau	Date





**Oregon Liquor Control Commission**

**9079 S.E. McLoughlin Blvd.  
Portland, Oregon 97222**

**Phone: 503-872-5000  
Toll Free: 1-800-452-6522**

**[www.olcc.state.or.us](http://www.olcc.state.or.us)**