



Multnomah County Sheriff's Office

12240 NE Glisan St., • Portland, OR 97230

Exemplary service for a safe, livable community

DANIEL STATON
SHERIFF

503 255-3600 PHONE
503 251-2484 TTY
www.mcso.us

January 19, 2011

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

Regarding: Tenley's Jackpot Foodmart
28210 SE Orient Drive
Gresham, OR 97080

Subject: Liquor License Applicant
Off- Premises Sales

Owner: Le Thien Ly
01/19/62
28210 SE Orient Dr
Gresham, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal.

- Sheriff's Office background is completed, nothing in the background check of owner's raised any questions or concerns.
 - Recommendation for Renewal
- Assessment and Taxation
 - Recommendation for Renewal
- Alarms
 - Recommendation for Renewal
- Land Use Management
 - The Land Use Planning Division continues to have reported an unresolved land use violation complaint case on file for the property, Under Review (UR) 08-054. They are **not** in compliance with the Land Use Planning Division and they do have objections to the renewal of the liquor license.
 - Mr. Ly contacted the Sheriff's Office for clarification, Mr. Ly was instructed to contact the Land Management Office and make compliance arrangements to have the favorable recommendation. As of 01/19/2011 per Land Management, no contact with their office has been made.
 - Unfavorable Recommendation from Land Use Management due to outstanding violations for 28210 SE Orient Dr, Gresham, OR

POSTPONED - GRANTED
30 DAYS TO COME INTO
COMPLIANCE.
RETURN TO BOARD
NO LATER THAN MAR. 3/3/11.
-LYNDA GLOW
BOARD CLERK
1-20-11

With the follow-up investigation completed, the Multnomah County Sheriff's Office continues to maintain the position of an **UNFAVORABLE RECOMMENDATION** for the Liquor License 2011 Renewal until compliance is met.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Stetson". The signature is written in a cursive style with a large initial "P".

Sheriff



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	<u>1/20/11</u>
Agenda Item #:	<u>R-5.6</u>
Est. Start Time:	<u>10:15 am</u>
	<u>TIME CERTAIN</u>

Agenda Title:	Off Premises Sales Liquor License Renewal for Tenley's Jackpot Foodmart, 28210 SE Orient Drive, Gresham, OR
----------------------	--

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>January 20, 2011</u>	Time Requested:	<u></u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kimberly Walker-Norton</u>		
Phone:	<u>(503) 251-2520</u>	Ext.	<u></u>
		I/O Address:	<u>313/122</u>
Presenter(s):	<u>County Attorney and Kimberly Walker Norton</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal.

Assessment and Taxation reported that the address of 28210 SE Orient Drive, Gresham, Oregon, is in compliance with the Assessment and Taxation Office.

The Land Use Planning Division has reported an unresolved land use violation complaint case on file for the property. The violations have **not** been resolved and the property owner has **not** entered into a Voluntary Compliance Agreement with the County. Until the violation has been resolved their recommendation is that a liquor license **should not** be issued for the property.

Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards an **UNFAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 1/11/11



Lynda Grow, Board Clerk

MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 600
Portland, Oregon 97214-3587
(503) 988-5274 (Phone) (503) 988-3013 (Fax)
<http://www.co.multnomah.or.us/cc/>
lynda.grow@multco.us

CERTIFIED MAIL

January 11, 2011

Tenleys Jackpot Foodmart
28210 SE Orient Drive
Gresham, OR 97080

Re: Notice of Scheduled Hearing - Liquor License Application

Dear Le Thien Ly:

The Multnomah County Sheriff's Office has completed the investigation of the above liquor license renewal application and has made a recommendation for denial to the Multnomah County Board of Commissioners. This matter is scheduled for hearing before the Board of County Commissioners to forward a recommendation to the Oregon Liquor Control Commission.

Date: January 20, 2011

Time: 10:15 am

501 SE Hawthorne Blvd. Portland, OR 97214-3587
First Floor, Room 100, off Lobby

You shall be given a reasonable opportunity to be heard by the Board of County Commissioners at the hearing specified above to address the concerns raised by the Sheriff, the Board, and any persons or groups appearing in opposition to your application. The Board's recommendation of approval or denial of your application shall be final.

A copy of the Sheriff's recommendation is enclosed for your reference. Please notify us if you will attend this Hearing.

Sincerely,

Lynda J. Grow
Board Clerk
Multnomah County

cc: Sheriff Daniel Staton
Oregon Liquor Control Commission



Multnomah County Sheriff's Office

12240 NE Glisan St., • Portland, OR 97230

Exemplary service for a safe, livable community

DANIEL STATON
SHERIFF

503 255-3600 PHONE
503 251-2484 TTY
www.mcso.us

January 11, 2011

Board of County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, OR 97214-3587

Regarding: Tenleys Jackpot Foodmart
28210 SE Orient Drive
Gresham, OR 97080

Subject: Liquor License Applicant - Off- Premises Sales

Owner: Le Thien Ly
01/19/62
28210 SE Orient Dr
Gresham, OR

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal.

Assessment and Taxation reported that the address listed 28210 SE Orient Drive is in compliance with the Assessment and Taxation Office.

The Land Use Planning Division has reported an unresolved land use violation complaint case on file for the property, Under Review (UR) 08-054. They are *not* in compliance with the Land Use Planning Division and they do have objections to the renewal of the liquor license.

Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed, the Multnomah County Sheriff's Office forwards an UNFAVORABLE RECOMMENDATION for the Liquor License Renewal.

Sincerely,

A handwritten signature in black ink that reads "Daniel Staton". The signature is written in a cursive style.

Sheriff Daniel Staton

COPY: Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222-7355

§ 15.355 DISTRIBUTION OF PROCEEDS.

After the forfeiture counsel distributes property under the provisions of state law, the forfeiture counsel shall disperse of and distribute property in the following manner:

(A) If the seizing agency has an intergovernmental agreement pursuant to state law, the terms of the intergovernmental agreement shall control the distribution of the property.

(B) If the seizing agency does not have an intergovernmental agreement pursuant to state law, the seizing agency shall recover 50% of the property, the county district attorney's office shall recover 35% of the property and the remaining 15% shall be credited to the county general fund for criminal justice services.

(C) If more than one law enforcement agency has participated in the investigation leading to forfeiture, the participating agencies shall share the 50% of the proceeds ordinarily remitted to the seizing agency equitably between the participating agencies.

(D) Except as otherwise provided by intergovernmental agreement, the forfeiting agency may:

(1) Sell, lease, lend or transfer the property or proceeds to any federal, state or local law enforcement agency or district attorney;

(2) Sell the forfeited property by public or other commercially reasonable sale and pay from the proceeds the expenses of keeping and selling the property;

(3) Retain the property; or

(4) With written authorization from the district attorney for the forfeiting agency's jurisdiction, destroy any firearm or contraband.

(E) The forfeiting agency, and any agency which receives forfeited property or proceeds from the sale of forfeited property, shall maintain written documentation of each sale, decision to return, transfer or other disposition.

(* 90 Code, § 7.85.036, 07/01/1998; Ord 633, passed, 12/14/1989)

LIQUOR LICENSES

§ 15.400- PURPOSE.

The purposes of this subchapter are to establish the principal criteria which shall be considered by the Board and the Sheriff, in making recommendations to the state Liquor Control Commission concerning the granting, denying, modifying or renewing of all liquor licenses for premises within unincorporated the county and to establish a process, to be utilized for the investigation of such license applicants for the purpose of making such recommendations, that is fair, effective and efficient. This subchapter is necessary to ensure that all premises licensed to sell or dispense liquor in any form meet the high expectations of this community, and that all businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this county and its neighborhoods.

(* 90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.401 APPLICATION PROCEDURE.

(A) Any applicant for any license who is required by the state Liquor Control Commission to have a recommendation from the county concerning the suitability of such application shall present the license application forms prescribed by the Liquor Control Commission to the Sheriff for the purpose of obtaining the recommendation of the county concerning such a license.

(B) For the purpose of conducting the investigation to ascertain pertinent information bearing upon such county recommendations, the Sheriff may require such other information in addition to that provided upon the Liquor Control Commission application forms as it deems appropriate.

(C) The Sheriff shall accept liquor license applications only when the following conditions are met:

(1) All required forms are properly completed and in order; and

(2) The processing fees, in amounts established by Board resolution, and as allowed by ORS, have been paid.

('90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.402 INVESTIGATION.

(A) The Sheriff shall coordinate and conduct an investigation of each application for the purpose of determining what recommendation shall be made to the Board, using the procedures set forth in division (B) of this section.

(B) (1) All applicants shall be checked for any and all prior arrest records or violations of Liquor Control Commission regulations.

(2) All applicants shall be checked for prior community relations problems under another license.

(3) The business locations shall be examined and must be in the best interests of the community.

(4) All renewal applications shall be reviewed and checked for prior negative impact on the community.

(5) All new outlets, or change of location/privilege shall be referred to the zoning section for verification of the proposed use under the county zoning code.

(6) All new and renewal applications shall be checked to determine whether there are delinquent personal or real property taxes due and owing for the premises.

('90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.403 RECOMMENDATIONS TO THE BOARD.

Upon completion of the investigation procedures, the Sheriff shall forward to the Board a rec-

(S-1 2002)

ommendation of approval or denial. The clerk of the Board then places the matter on the Board's agenda, in order that the Board may then make a recommendation of approval or denial to the state Liquor Control Commission.

('90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.404 DENIAL OF LICENSE.

The Sheriff may make a recommendation of denial to the Board regarding any application if:

(A) The applicant's record reflects a pattern of violation of the alcoholic liquor laws of this state;

(B) The applicant has a history of use of controlled substances or use of alcoholic beverages to excess;

(C) The record of the applicant shows violation(s) of *criminal law(s)* or ordinance(s) connected in time, place or manner with a liquor establishment or which demonstrate a disregard for law;

(D) The applicant has maintained, or allowed to exist, an establishment which creates or is a public nuisance under the ordinances of the county or laws of the state or in which any violation of the provisions of the code, or federal or state law relating to minors, gambling, obscenity, controlled substances, prostitution or alcoholic beverages, or ORS Chapters 163, 164, 165 and 166 have occurred, or which creates an increase in disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other location problems, in the reasonable proximity of such premises;

(E) The applicant's premises are not maintained in reasonable repair, both interior and exterior, and kept clean and free of litter, rubbish, and dirt;

(F) The applicant's premises are found to be a nuisance under the terms of this chapter;

(G) In the case of an application for a new license or for an increase in liquor selling or dispensing privilege, there are sufficient licensed premises in the locality set out in the application and the li-

cense is not demanded by public interest or convenience;

(H) The licensing of the premises would not be in the best interests of the community because of a history of illegal activities, altercations, noisy conduct, or other disturbances in or around the premises;

(I) The applicant has demonstrated an unwillingness or inability to cooperate with county agencies or neighbors in resolving community disputes related to a licensed establishment;

(J) If the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code. However, the applicant may file an application for change of zone, conditional use which would permit such use;

(K) If there are delinquent real or personal property taxes due and owing for the premises at the time of application or renewal, a recommendation of denial is mandatory; and

(L) If there is any other specific reason consistent with the purposes of this subchapter which may, in the opinion of the Sheriff, warrant an adverse report to the Board based upon public health, safety, welfare, convenience or necessity.

(* 90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.405 HEARINGS; NOTIFICATION.

(A) When the Sheriff makes a recommendation for denial of any application, the clerk of the Board shall notify, by certified mail, the applicant, the Liquor Control Commission, and the Sheriff of the hearing date, place and time at least one week before such hearing takes place. The presiding officer of the Board may also contact the neighborhood associations concerned.

(B) When the Sheriff makes a recommendation for approval of an application for which the Sheriff or the Board has received complaints or concerns from citizens or other business establishments, or for which there may be other controversy, the clerk of the Board shall notify those concerned citizens or

business establishments and the applicant of the hearing date, place and time.

(* 90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.406 HEARING PROCEDURES.

When the Board has scheduled a hearing on any liquor license application, such applicant shall be given a reasonable opportunity to be heard and address concerns raised by the Sheriff, the Board, and persons or groups appearing in opposition to such an application. The Board's recommendation of approval or denial of such application, based upon a determination of what course of action best serves the interest of the citizens of the county, shall be final.

(* 90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.407 RECONSIDERATION OF APPLICATIONS.

After having made a recommendation of denial on any liquor license application, the Sheriff and the Board shall not consider any new application for the same location by the same or substantially the same applicant for a period of at least six months or while such applicant has pending an appeal in court or in a state administrative agency related to such a license. Notwithstanding, the Sheriff may reconsider or re-submit such an application to the Board in less than six months if it is reasonably believed that a recommendation of denial has substantially changed, and no court or administrative appeal of such license is pending.

(* 90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

§ 15.408 TEMPORARY LICENSES.

On any application for a temporary liquor license which will be in effect for five days or less, review by the Board shall not be automatically required. The Sheriff has authority to make a recommendation of approval to the Liquor Control Commission on such applications. If the Sheriff recom-

mends denial of any application for a temporary license, the application shall be reviewed by the Board as outlined in §§ 15.405 and 15.406.

(' 90 Code, § 5.10.020, 07/01/1998; Ord. 799, passed, 10/06/1994; Ord. 724, passed, 06/11/1992; Ord. 420, passed, 06/14/1984; Ord. 412, passed, 03/15/1984; Ord. 195, passed, 04/26/1979; Ord. 157, passed, 12/29/1977)

POLICE IMPERSONATION

§ 15.450- UNAUTHORIZED VEHICLES DISPLAYING POLICE INSIGNIA.

No person shall own or operate a private motor vehicle in the county outside of incorporated cities marked or identified by the word "police" or any other marking or insignia identifying the vehicle as a police vehicle.

Penalty, see § 15.999

(' 90 Code, § 7.90.100, 07/01/1998; Ord. 35, passed, 07/09/1970)

NEIGHBORHOOD WATCH SIGNS

§ 15.500- FINDINGS.

The Board finds:

(A) The Sheriff, in cooperation with the community, has instituted an observation and reporting program by which the residents of blocks can organize to better protect themselves against neighborhood intruders who are there for unlawful purposes.

(B) It has been proposed that when residents of a block have met certain requirements that they be allowed to place signs within the right-of-way which indicate that the block is protected by neighborhood watch.

(C) The granting of this request will not be detrimental to the public interest under certain conditions.

(' 90 Code, § 2.70.305, 07/01/1998; Ord. 399, passed, 09/23/1983)

§ 15.501 PERMIT; STANDARDS.

(A) A revocable permit is granted to the Sheriff to have the signs referred to in § 15.500 placed in

the public rights-of-way subject to the conditions set forth in division (B) of this section.

(B) (1) Signs and signposts shall be furnished and installed by the requesting neighborhood.

(2) All signs and locations shall be approved by the traffic engineer.

(3) The signs, when installed, shall conform to the county engineer's standard plan.

(4) The Sheriff shall maintain a record of installed sign locations.

(5) The county shall remove signs not in conformance with the county engineer's standard plan and the traffic engineer's approved location.

(' 90 Code, § 2.70.320, 07/01/1998; Ord. 399, passed, 09/23/1983)

CRIMINAL JUSTICE INFORMATION

§ 15.550- PURPOSE.

It is the purpose of this subchapter to assure that criminal history record information, wherever it appears, is stored, collected, and disseminated in a manner to insure the completeness, integrity, accuracy, and security of such information, and to protect individual privacy.

(' 90 Code, § 7.80.010, 07/01/1998; Ord. 201, passed, 05/10/1979)

§ 15.551 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

ACCESS. The authority to review or receive information from files, records, or an information system, whether manual or automated.

ATTORNEY. An attorney at law authorized by a person to assert the confidentiality of right of access to criminal history record information under this subchapter.

AUTHORIZED REPRESENTATIVE. A parent, or a guardian, or conservator, other than an attorney, appointed to act on behalf of a person and