

Oregon State House 900 Court St. NE, H-484 Salem, Oregon 97301

May 30, 2012

Cassandra Skinnerlopata, Chair Oregon Liquor Control Commissioners 9079 SE McLoughlin Blvd Portland, OR 97222-7355

RE: Liquor Licenses and Food Carts

Dear Commissioner Skinnerlopata and OLCC Commissioners,

We are writing to express concern over the Commission's recent move to issue annual liquor licenses to exclusively outdoor premises (e.g. mobile food carts are one type of outdoor premise) without full public discussion of the Commission's legal authority.

The effect a new liquor license has on public health and safety is a fundamental consideration in deciding whether to grant a license to a given applicant. We believe that health and safety considerations are especially acute when the licensed businesses do not provide indoor seating and service staff to monitor alcohol consumed by their customers. The fact that these businesses often operate within residential areas where noise and outdoor activities can become late night nuisances exacerbates public safety risks and may lead to serious community livability issues.

We understand that the recent receipt and approval of a license application from a food cart vendor presented a case of first impression for the Commission and one under which current law does not provide clear guidance. In such cases, it is important that the legal authority for precedent setting policy choices be thoroughly and publicly explained. Our constituents and citizens across the State are entitled to know the basis of OLCC action that may have adverse effects on their health, safety, and neighborhood livability. We encourage you to promulgate rules in a transparent manner that provide a robust regulatory structure aimed at minimizing negative effects of alcohol sales and establishing clear enforcement standards.

For these reasons, we respectfully request that you:

- 1) make public the entirety of the Attorney General Opinion on which you are basing the legality of issuing liquor licenses to food carts;
- 2) promulgate rules that provide a means to regulate and enforce these types of establishments.

We appreciate your attention to these concerns.

Sincerely,

Alissa

Representative Alissa Keny-Guyer House District 46

(See page 2 for co-signers)

Representative Carolyn Tomei

Margard Wohnty

Carolyn Tomei

House District 41

Representative Margaret Doherty House District 35

Representative Lew Frederick House District 43

inn Burdiel

Senator Rod Monroe Senate District 24

Senator Ginny Burdick Senate District 18

Senator Jackie Dingfelder Senate District 23

Senator Diane Rosenbaum Senate District 21

Diane Rosenbaum

Senator Steiner Hayward

Senate District 17