

W. 12.a.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF SCHEDULING A HEARING ON
THE APPEAL OF THE SHERIFF'S RECOMMENDA-
TION ON THE LIQUOR LICENSE APPLICATION OF
STEVE NELSON (KONA CAFÉ)

WHEREAS, the Sheriff of Lane County recommended disapproval of the liquor license application of Steve Nelson for the Kona Café;

WHEREAS, LM 16.120(5) permits a person aggrieved by the Sheriff's recommendation, within 10 days of the date of the Sheriff's recommendation, to request a hearing to appeal the Sheriff's recommendation;

WHEREAS, Steve Nelson made a timely request for hearing; and

WHEREAS, LM 16.120(5) provides for a hearing before the Board or its designee,

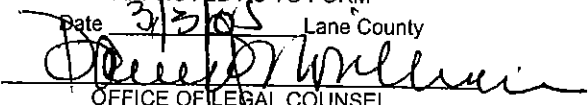
IT IS HEREBY ORDERED that a hearing on the appeal is set for 2:00 p.m. on March 21, 2005, at 125 E. 8th Avenue, Eugene, Oregon;

IT IS FURTHER ORDERED that Jeff Towery shall hear and decide the appeal as the Board's designee, with authority to act on behalf of Lane County. Based on criteria made applicable by statutes and the OLCC rules, the designee may recommend to OLCC either approval or denial of the license application; and

IT IS FURTHER ORDERED that the Board's designee or the County Administrator shall cause not less than 10 days' notice of the hearing to be sent by mail to Steve Nelson, with a brief statement of the grounds alleged as the basis for the Sheriff's refusal to recommend issuance of the license.

Dated this _____ day of _____ 2005.

Chair, Lane County Board of Commissioners

APPROVED AS-TO FORM
Date 3/2/05 Lane County

OFFICE OF LEGAL COUNSEL

109 Main Street
Springfield, Oregon 97478
541-741-7136

FEB 10 2005

February 9, 2005

Board of County Commissioners
125 E. 8th Avenue
Eugene, OR 97401



Regarding denial of recommendation for OLCC Liquor license by Lane County Sheriff's Office, dated February 4, 2005, based on "a felony conviction of the applicant." I would like to request a hearing based upon the following:

The felony mentioned above occurred in 1985. Since that date, there have been no further incidents on my record. I have earned a U.S. Coast Guard 100 Ton Masters Near and Off Captain's License, a P.A.D.I Scuba Instructor Certification to teach scuba diving as well as being a C.P.R. and First Aid Instructor.

I have owned and operated my own restaurant, Kona Café, located in Springfield since May 2002, and have held an OLCC liquor license for that facility since June 2003 with no subsequent problems.

I believe that the denial is erroneous because the felony occurred almost 20 years ago, I am a responsible family man who has proven to be an asset to my community.

Thank you for your attention in this matter,

Respectfully,

Captain Steve Nelson

Lane County Sheriff's Office

Russel E. Burger, Sheriff



February 4, 2005

Mr. Steve Nelson
Mr. Kevin B. Hill
4605 Main St.
Springfield, Oregon 97478

Re: Liquor License Application

Dear Mr. Nelson and Mr. Hill:

I am in receipt of your Oregon Liquor License Application dated 1-19-05 and noted received by the OLCC on 1-25-05.

A standard background check of Mr. Nelson indicates a felony conviction. Per Lane Manual 16.120 sub (4), I am unable to recommend approval based on "A felony conviction of the applicant, or any officer or director of the applicant." [sub (c)]. Per the aforementioned references, my recommendation to the OLCC will be "Denied".

Please understand you may make a written request to the Board of County Commissioners, within 10 days of the above date, for a hearing before the Board or a designee to be held in accordance with Lane Manual 16.120, sub (5). The request for hearing shall state the reasons why you believe the Sheriff's recommendation is erroneous.

Should you require additional information regarding this recommendation, please feel free to contact me by mail or call (541) 682-4141.

Sincerely,

Russel E. Burger, Sheriff

A handwritten signature in black ink, appearing to read "B. Trapp".

By: Byron Trapp, Sergeant
Police Services Division

cc: OLCC
File