

Richard Morris  
I'm \_\_\_\_\_ representing Pam and Don Hammond, co-owners of Paddington Station and the Paddington Jewelbox, both on Main Street in Downtown Ashland.

We are now into the second week of the new bag ordinance. First of all we are happy to see plastic bags banned. Thank you. We stopped using those years ago, in addition to switching to recycled paper bags.

We made a phone call to one of the largest gift stores in Eugene, and they reported that were being hit hard by shoplifters, who are taking advantage of their bag ordinance to steal merchandise. They have had issues with customers shopping into their own bags brought from home and leaving without paying. In addition, customers are walking out the door with unbagged goods in hand which have not been paid for. Theft is always a concern and this ordinance makes it easier than ever to shoplift.

We started this past weekend giving a dime to each of our customers who needed a bag and were uncomfortable with the ordinance. Explaining the ordinance has added time to each transaction. Many of our customers are fine with the fee, but many have argued that it is for grocery stores only, or for stores with 50 or more employees, or are just plain angry about it. On Sunday at the Jewel Box, we lost a large sale because the customer was upset about the bag charge and left in a huff before we could offer to pay the dime. There was another incident at Paddington Station on Saturday when a man had several new books and calendars in his hand, and when questioned about paying for them said they had been purchased at a neighboring shop. We carry the same merchandise, so it made for an uncomfortable moment.

We have also heard, "I just bought something at some other store, and they didn't charge a dime." If you have no intention of enforcing the ordinance, or if it is inherently unenforceable, then it needs to be reexamined.

Going into our busiest time of the year, we are considering just paying the dime charge for each of our guest's bags, to keep peace and to streamline sales, but most importantly to keep the shopping experience positive.

Please consider dropping the dime charge for bags and allow retailers to give bags judiciously to customers that need them. It will allow us to better control what leaves our building, improve customer relations and streamline our checkout procedures.

Sincerely,

Pam Hammond

Co-owner Paddington Station and The Paddington Jewel Box

Public Forum  
Submitted R Morris  
11-18-14

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# PADDINGTON STATION

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## ASHLAND'S ECLECTIC EMPORIUM

We would like to express our concern about the continued problems experienced on weekends in the 100 block of Will Dodge Way.

This past week there was a fire in our trash dumpster area. It would seem to have been either deliberately set or the result of a carelessly tossed cigarette butt. Several good Samaritans were observed pulling a burning box from the enclosure and dousing it. The incident was relayed to us by two local residents via email, which you will find attached. Police were called but were unable to respond as they were otherwise occupied.

The fire did capture the interest of the officer who visited the following Monday, upon our request, as well as a representative of the Fire Department who came by later to view the site.

Please assure that there are sufficient police personnel available to cover this area, especially on weekends. It is well known that there is trouble of some sort virtually every weekend. Police representatives have stopped in on numerous occasions to view footage from our outdoor camera to help shed light on some weekend "incident".

Our primary concern is for the safety of anyone, visitor or resident, who uses the alley, regardless of the time of day.

Sincerely,



Pam and Don Hammond  
Co-owners, Paddington Station and the Paddington Jewel Box



Robert Kendrick  
Public Forum Submitted  
11.18.14



# 2010 Peace Officers Guide

*Part of 72 page guide*

*Promoting the public interest through the  
responsible sale and service of alcoholic beverages*

*[http://www.oregon.gov/olcc/docs/  
publications/2010-peace-officers-  
guide.pdf](http://www.oregon.gov/olcc/docs/publications/2010-peace-officers-guide.pdf)*

## **WRITING YOUR REPORTS**

The information you obtain for us is very important. We use your reports to help us make administrative decisions regarding liquor-related activities. Included are some suggestions to help you gather the most useful information, followed by explanations of the statutes and administrative rules.

In your report, please:

- Identify and interview all available witnesses, if possible.
- Record their statement or direct quotes.
- Evaluate credibility when there are conflicting statements from witnesses.
- Evaluate facts that prove or disprove each of the elements of the violation you are investigating.

Specific statements, such as "I observed two patrons, who were stumbling as they walked and slurring their speech, being served fresh beers by Jane Doe," greatly enhance OLCC's ability to process additional administrative violations.



## **VISIBLY INTOXICATED PERSONS (VIPs)**

### **Visibly Intoxicated Persons**

#### **Class A Misdemeanor**

**ORS 471.410(1)** No one may sell, give or make available any alcoholic liquor to anyone who is visibly intoxicated.

#### **Elements**

- A patron displays visible intoxication by speech, behaviors or other indicators.
- The server or seller observes, or can be presumed to have observed, the patron's signs of intoxication before or at the time of service.
- A server or seller gives, sells or otherwise makes alcoholic liquor available to the patron.

#### **Signs of Visible Intoxication**

For the purpose of the Liquor Control Act, the Oregon Court of Appeals stated that visible intoxication is not a technical term requiring expert testimony to explain or define. A general guideline is when any prudent, rational person would believe that a person is visibly intoxicated. However, in court, you need to substantiate the case on many points from several sources to prove visible intoxication.

As a general guideline, a person is visibly intoxicated whose physical or mental control is diminished by alcohol or a drug to the point where such diminished control can be seen or observed.

### ***Signs of Visible Intoxication***

Speech - slurred

Eyes - watery, bloodshot, out of focus

Walk - unstable

Hangs on to other people or objects

Staggering, swaying or stumbling

Conduct - loud, boisterous or very quiet

Tries to pick fights

Swears

Is belligerent

Falls asleep

Coordination - poor

Spills drinks

Unable to strike a match or light a cigarette

Cannot keep track of money

Bumping into things

Obvious odor of alcohol on the person



# 50 SIGNS OF VISIBLE INTOXICATION

Serving alcohol to a visibly intoxicated person (VIP) is against the law. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated. Servers are not expected to know a customer's blood alcohol content (BAC) as determined by a blood, breath, or urine test, but they are required to recognize visible intoxication.

Here are some common signs of visible intoxication. These are not all of the possible signs. If a person shows just one or two of these signs that does not necessarily mean the person is intoxicated. But if a person shows a combination of several signs, or has a sudden change in behavior, that could be a strong indication that the person is intoxicated. Remember that intoxication can result from the use of drugs other than alcohol. ***If you're not sure, don't serve.***

## Appearance

1. Bloodshot, glassy, or watery eyes
2. Flushed face
3. Droopy eyelids
4. Blank stare or dazed look
5. Twitching or body tremors
6. Disheveled clothing

## Speech

7. Thick, slurred speech
8. Loud, noisy speech
9. Speaking loudly, then quietly
10. Rambling train of thought
11. Unusually fast or slow talking
12. Slow response to questions or comments
13. Repetitive statements
14. Bravado, boasting
15. Making irrational statements

## Attitude

16. Annoying other guests and employees
17. Argumentative
18. Aggressive or belligerent
19. Obnoxious or mean
20. Inappropriate sexual advances
21. Overly friendly to other guests or employees
22. Boisterous

## Behavior

23. Swaying, staggering, or stumbling
24. Unable to sit straight

## Behavior (cont.)

25. Careless with money
26. Difficulty making change
27. Restless
28. Depressed or sullen
29. Crying or moody
30. Extreme or sudden change in behavior
31. Overly animated or entertaining
32. Crude, inappropriate speech or gestures
33. Drowsiness or falling asleep
34. Lack of focus and eye contact
35. Difficulty standing up
36. Unusual walk
37. Can't find mouth with glass
38. Falling down or falling off of chair
39. Difficulty lighting cigarettes
40. Lighting more than one cigarette
41. Clumsy
42. Difficulty remembering
43. Spilling drinks
44. Disoriented
45. Agitated, anxious
46. Grinding teeth
47. Vomiting

## Other

48. Odor of alcohol, marijuana or chemicals
49. Excessive perspiration
50. Repeated trips to rest room or outside area

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**Oregon Liquor Control Commission**  
9079 SE McLoughlin Blvd • Portland, OR 97222-7355  
Phone (503) 872-5070 • Fax (503) 872-5266 • Toll free (800) 452-6522

[www.oregon.gov/olcc](http://www.oregon.gov/olcc)  
*Promoting Responsible Alcohol Sales and Service*

## Allowing Visibly Intoxicated Person to Consume Alcohol

### Misdemeanor

**ORS 471.412(1)** No licensee or permittee shall knowingly allow a person to consume or continue to consume alcoholic beverages on the premises after observing the person is visibly intoxicated.

### Elements

- A person displays visible intoxication by speech, behaviors or other indicators that would be evident to a reasonable person.
- A server observes that the person is visibly intoxicated.
- Server makes no physical attempt or verbal request to remove the drink.
- The visibly intoxicated person consumes an alcoholic drink.

**Per ORS 471.412 (2)**, a server or seller is not in violation of this statute if they make a **good faith effort** to remove alcohol from an intoxicated person's possession, even if they are unsuccessful in removing the alcohol.

### Good Faith Effort defined

**OAR 845-006-0345 (9)(a)(A)** "Good faith effort" means placing a hand on the drink and trying to remove it; or

**(B)** Making a verbal request for the drink, if the server has reason to believe that touching the patron's drink could cause a disturbance.

## **Liquor on a Licensed Premises**

### **Administrative Violation**

**OAR 845-006-0345 (6)** No licensee will have or permit any alcoholic liquor on the licensed premises that the license does not allow him/her to sell or serve.

**NOTE:** The most common violation under this rule is distilled spirits, such as whiskey, in a tavern licensed only to sell beer and wine.

## **Licensee's Responsibility for Conduct of Others**

### **Administrative Violation**

**OAR 845-006-0362** Each licensee may be held responsible for violation of any liquor law affecting the license privileges and for any act of any employee or representative in violation of any law affecting the license privileges.

**NOTE:** Because of this administrative rule, it is important that you send reports of violations involving employees of licensees to the OLCC.

## **Noisy or Disorderly Activities**

### **Administrative Violation**

**OAR 845-006-0347 (2)(a)** No licensee or permittee will permit noisy or disorderly activities on the licensed premises or in areas the licensee controls that are adjacent to or outside the premises.

## Definitions

**Disorderly activities:** Activities that harass, threaten or physically harm another person.

**Noisy activities:** Activities that a reasonable person would conclude interfere with normal living or business activities.

## Elements

- Activity that threatens, causes physical harm to another, or is noisy occurs.
- The activity occurs on the licensed premises or in an area under the licensee's control.
- A licensee/employee knows about the activity.
- Licensee/employee fails to take reasonable corrective action to stop the activity, or prevent its occurrence or recurrence.

### Address these questions:

- What kind of activity was involved?
- When and where did the activity occur?
- Who and how many people were involved?
- Who was in charge of the premises?

- What opportunity did an employee have to observe or know of the activity or behaviors leading to the activity?
- Where were each of the employees when the activity occurred?
- How long did the activity go on?
- What action did the licensee or employee take, or fail to take, to correct the problem?
- Who witnessed the activity?
- List all witnesses, addresses and what they witnessed.
- Analyze the problem as it occurred over time (e.g., same person causing disorder repeatedly, etc.)
- Get licensee to hear the noise, if possible.
- Make your own determination of the noise level whenever possible. How does it interfere with the person being affected (can't sleep, hear TV, etc.)
- Note what reasonable steps (if any) that employees on the premises took to prevent or correct the activity.
- Does the local government have a noise ordinance? If so, was a citation issued for violating this ordinance?

## **History of Serious and Persistent Problems**

### **Administrative Violation**

**ORS 471.315 (1)(c)** The OLCC may cancel or suspend a license or impose a civil penalty in lieu of or in addition to suspension if it finds or has reasonable ground to believe there is a history of serious and persistent problems involving disturbances, unlawful activities or noise either in the premises or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for cancellation or suspension includes, but is not limited to, obtrusive or excessive noise, music or sound vibrations, public drunkenness, fights, altercations, harassment or unlawful drug sales, alcohol or related litter, trespassing on private property, and public urination.

### **Elements**

- There is a history of problems (multiple incidents occurring over time).
- The problems are serious (interfere with normal living or business activities, harm or threaten harm to people living and working in the vicinity of the premises).
- Problems are inside the premises or involve patrons in the immediate vicinity of the premises if the activities are related to the sale or service of alcohol under the exercise of the license privilege.



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### ***For licensed premises, address these questions:***

- What specific behavior is present (unlawful activities, fighting, etc.)?
- What is the effect of this behavior on persons around the premises?
- What injuries were sustained?
- When did the behavior occur? (Specific times, dates and places are preferable.)
- For outside problems, who is creating the problem behavior? Are there facts or inferences available to identify them as patrons?
- How is the behavior connected to the sale and service of alcohol?
- If the business is not operating as a bar or tavern when the behavior occurs, are the patrons there for the purpose of obtaining alcohol?
- What steps has the licensee taken, or does the licensee plan to take, to correct the problem?
- What are other possible sources of the problem?
- Have other licensees in the area been successful at controlling problems?

## *2010 Peace Officers Guide*

- Have there been successful or failed attempts at neighborhood mediation?
- How many contacts by police or neighborhood groups have been made?

Check law enforcement records to see if other problems have been documented.

Document all calls for service to premises (even if only an information report). Include employees' and patrons' names, addresses, etc., and any other relevant information. The better the detail, the better the report.

If you have any questions about the facts that the Commission can consider, call OLCC.

Forward all reports to OLCC.

# WILL DODGE WAY

<http://www.>

[characterofthearea.com](http://www.characterofthearea.com)

## WILL DODGE WAY NEIGHBORHOOD

#1 RESIDENTS @153 & 157 WDW, **LITHIA BUILDING** LIVING ACROSS FROM NOISY **VINYL CLUB AND O'RYAN'S CLUB** CLUBS ON THE LEFT.

#2 LOOKING EAST TOWARD 1ST STREET WITH **LITHIA BUILDING** ON LEFT & PROPOSED RESIDENTIAL DEVELOPMENT IN **HARRISON BLDG** ON THE RIGHT.

#3 **LITHIA BLDG**, **IRVINE** PROPOSED MIXED USE DEVELOPMENT **JASMINE BUILDING** AND NEWLY BUILT **PLAZA WEST** ACROSS THE STREET.







WILL DODGE WAY

**ORYAN'S IRISH PUB** (TOP LEFT) **VINYL CLUB** (BELOW DECK)



**WILL DODGE WAY**

**3:00 AM**

**VINYL CLUB & O'RYANS IPUB CLOSED,  
BUT CROWDS REMAIN**



**TYPICAL RECENT WEEKEND CROWD**



CAMERA05

24/10/2014 01:45:05

RESIDENTIAL FRONT PORCH  
10 FEET ACROSS FROM  
VINYL CLUB ENTRANCE

PRIVATE PROPERTY WHERE OVER FLOW CLUB  
PATRONS GATHER TO TALK & SMOKE WITH A  
RECENT CONFRONTATION AND ARREST OF  
INTOXICATED PERSON BY ASHLAND POLICE





**WILL DODGE WAY CROWDS**

**GATHERING TO OBSERVE OVER SERVED  
YOUNG WOMAN JUST CARRIED OUT OF THE**

**VINYL CLUB  
AT 12:41AM**



**12:43 AM** INTOXICATED CLUB PATRON LEFT  
ALONE ON THE ASPHALT





CAMERA04

05/10/2014 01:05:48

### THE "RIDE HOME"

DOES THIS SHOCK YOU? AN INTOXICATED

VINYL CLUB

PATRON, CARRIED OUT, LEFT ON THE ASPHALT  
AND THEN CARRIED AWAY.

YES, THIS IS THE CHARACTER OF THE AREA,  
SO CALLED "COMMON" DANCE CLUB ACTIVITY.





### **THE MORNING AFTER**

JUST LAST WEEK. UNSANITARY AND UGLY, VOMIT AND CIGARETTE BUTTS, LEFT FOR PITA PIT OWNERS TO CLEAN. AT LEAST, NO BROKEN WINDOWS LAST NIGHT.