

3. The applicant's criminal record does reflect one felony conviction.
4. The applicant does not have a record of recent felony convictions, the one being in 1985.
5. The LCSO did not consider any criminal activity other than the referenced felony conviction.
6. The applicant documented, and the LCSO acknowledged, several certifications earned since the commission of the felony, including a US Coast Guard 100 Ton Masters Near and Off Shore Captain's License, a PADI Scuba Instructor Certification and CPR and First Aid Instructor.
7. The applicant documented, and the LCSO acknowledged, that the applicants have held OLCC Liquor Licenses, jointly at the Kona Café in Springfield since 2003 and individually (Kevin B. Hill) at an establishment in Portland for 9 years.
8. Lt. Ewing testified that "the Sheriff's Office does not object should the Hearings Officer decide...to override that denial."

Application of Policy to Facts:

Lane Manual 16.120(4) uses permissive language:

"The Sheriff may recommend denial of a license application if any of the following factors exist:"

Conclusion:

Based on the evidence in the record, the findings of fact, and the analysis set forth above, I find that the Sheriff is not required to recommend denial of the liquor license application and that the time elapsed since any felony conviction of the applicant and the applicant's positive contributions to the community mitigate the weight given to those convictions. Given these positive contributions and the length of time since any documented negative behaviors by the applicant, I believe the concerns addressed by the factors which justify denial have been satisfied and that the applicant should receive a positive recommendation from Lane County for the liquor license.

IMPOSITION OF DECISION: Based upon the record herein and the findings, reasons, and conclusions set forth above, the Hearings Official recommends that the Board of County Commissioners reverses the LCSO recommendation to deny a liquor license application by Steve Nelson and Kevin B. Hill.