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 Keny-Guyer
STATE Representative
DISTRICT 46

Oregon State House
900 Court St. NE, H-484
Salem, Oregon 97301
Representative Alissa Keny-Guyer
House District 46

(See page 2 for co-signers)

Representative Carolyn Tomei
House District 41

Representative Margaret Doherty
House District 35

Representative Lew Frederick
House District 43

Senator Rod Monroe
Senate District 24

Senator Ginny Burdick
Senate District 18

Senator Jackie Dingfelder
Senate District 23

Senator Diane Rosenbaum
Senate District 21

Senator Steiner Hayward