

Jerralynn - FAX 2

WASHINGTON COUNTY COMMUNITY ACTION ORGANIZATION

451 S. First Ave., Suite 700, Hillsboro, OR 97123
Administration - 648-6646 FAX - 648-4175
Client Assistance - 648-0829

Board of Directors

Shirley Huffman, Chair
for Mayor Gordon Faber
Cindy Hirst, Vice Chair
Maria Loreda, Secretary
Gregory Zuffrea, Treasurer

Darlene Greene,
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Russell Wilkinson
Margaret Eickmann
Richard Porn
Katrina Pirkle

Jerralynn Ness,
Executive Director

Program Services

- Advocacy
- Emergency Assistance
- Emergency Shelter
- Energy Education
- Family Self-Reliance
- Head Start & Child Care
- Homeless Services
- Housing Development
- Housing Services
- Information & Referral
- Parenting Education
- Transitional Housing
- Weatherization

March 6, 1995

MEMO

To: David Teppela, President
Washington County Winegrower's Association

From: Jerralynn Ness, Executive Director

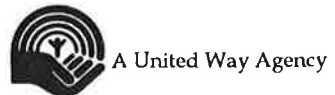
Subject: Wine Raffle Update

It was nice to talk to you today. In summary, Bob Shoemaker and I concluded after three meetings with the OLCC staff, that legislation was needed to give the OLCC the statutory authority to permit wine to be raffled as a prize. At WCCAO's request, Bob was able to get a bill drafted and introduced that would accomplish our goals. Attached is a copy of SB453, which has passed the Senate and will now go to the House, along with a copy of a letter from Bob Shoemaker to Senator Bill Kennemer. We are expecting this Bill to pass the House but if we hear of opposition developing we may need testimony or a letter of support from the Winegrower's Association.

We will tentatively plan to meet with your group on April 7, 1995 but will wait for your call to confirm the meeting and its location. If I am not available when you call, please ask for Carren Woods, WCCAO Development Director. I was very pleased to hear that October through December would be particularly good months to hold our raffle. It finally feels like this will really happen!

Please let the Association know how much we appreciate their support and hanging in there with us on this raffle. The good news is that it will be clear sailing for any winegrower in Oregon to donate wine to be raffled for a charitable, non-profit organization. See you soon.

CC Carren Woods
Carol Clark



Senate Bill 453

Sponsored by COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS (at the request of Washington County Community Action Organization)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Prohibits use of alcoholic liquor as prize, premium or consideration for lottery, contest, game of chance or skill, or competition of any kind. Exempts wine raffled by charitable, nonprofit corporation. Authorizes issuance of special retail wine license for wine raffle.

A BILL FOR AN ACT

1
2 Relating to alcoholic liquor; creating new provisions; and amending ORS 471.290.

3 Be It Enacted by the People of the State of Oregon:

4 **SECTION 1.** Section 2 of this Act is added to and made a part of ORS chapter 471.

5 **SECTION 2.** (1) Except as provided in subsection (2) of this section, alcoholic liquor may
6 not be given as a prize, premium or consideration for a lottery, contest, game of chance or
7 skill, or competition of any kind.

8 (2) A charitable, nonprofit corporation may conduct raffles for wine and arrange for de-
9 livery of the wine to the residence of the person winning a raffle.

10 **SECTION 3.** ORS 471.290 is amended to read:

11 471.290. (1) Any person desiring a license or renewal of a license shall make application to the
12 Oregon Liquor Control Commission upon forms to be furnished by the commission showing the name
13 and address of the applicant, the applicant's citizenship, location of the place of business which is
14 to be operated under the license, and such other pertinent information as the commission may re-
15 quire. No license shall be granted or renewed until the provisions of the Liquor Control Act and the
16 rules of the commission have been complied with.

17 (2) Except as provided in this section, the commission shall assess a nonrefundable fee for
18 processing each application for any license authorized by ORS chapter 471 and ORS 474.105 and
19 474.115 or ORS chapter 472, in an amount equal to 25 percent of the license fee. The commission
20 shall not begin to process any license application until the application fee is paid. If the commission
21 allows an applicant to apply at the same time for alternative licenses at one premises, only the ap-
22 plication fee for the most expensive license shall be required. If a license is granted or committed,
23 the application fee of 25 percent shall be applied against the annual license fee. This subsection
24 shall not apply to an agent's license, a salesperson's license, a manufacturer certificate of approval,
25 a druggist's license, a health care facility license or to any license which is issued for a period of
26 less than 30 days.

27 (3) Subject to subsection (4) of this section, the commission shall assess a nonrefundable fee for
28 processing a renewal application for any license authorized by ORS chapter 471 and ORS 474.105
29 and 474.115 or ORS chapter 472 only if the renewal application is received by the commission less
30 than 20 days before expiration of the license. If the renewal application is received prior to expira-

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

tion of the license but less than 20 days prior to expiration, this fee shall be 25 percent of the annual license fee. If a renewal application is received by the commission after expiration of the license but no more than 80 days after expiration, this fee shall be 40 percent of the annual license fee. This subsection shall not apply to an agent's license, a salesperson's license, a manufacturer certificate of approval, a druggist's license, a health care facility license, a brewery-public house license or to any license which is issued for a period of less than 30 days.

(4) The commission may waive the fee imposed under subsection (3) of this section if it finds that failure to submit a timely application was due to unforeseen circumstances or to a delay in processing the application by the local governing authority that is no fault of the licensee.

(5) The annual license fee is nonrefundable and shall be paid by each applicant upon the granting or committing of a license. The annual license fee and the minimum bond required of each class of license are as follows:

License	Minimum	
	Fee	Bond
Brewery, including		
Certificate of Approval	\$ 500	\$ 1,000
Winery	250	1,000
Distillery	100	None
Wholesale Malt		
Beverage and Wine	275	1,000
Bottler	150	None
Restaurant	200	None
Certificate of Approval,		
Class A	15	None
Certificate of Approval,		
Class B	50	None
Package Store	50	None
Package Store Tasting	75	None
Druggist	5	None
Railroad System or Public		
Passenger Carrier		
or Boat	100	None
Industrial Alcohol	50	None
Retail Malt Beverage	200	None
Health Care Facility	5	None
Warehouse	100	1,000
Special retail beer		
license may be		
issued for any picnic,		
convention, fair, civic		
or community enterprise		
or business promotion on		
a licensed premises at	\$ 10	per day
Special retail wine		

1 license may be issued
 2 for any special auction,
 3 wine raffle, picnic, convention,
 4 fair, civic or community
 5 enterprise or business
 6 promotion on a licensed
 7 premises at \$ 10 per day
 8 Special events winery
 9 license may be
 10 issued to a
 11 winery licensee at..... \$ 10 per day
 12 Bed and breakfast
 13 license..... \$ 5 per guest unit
 14 Brewery-Public House,
 15 including Certificate
 16 of Approval..... \$250 \$ 1,000
 17 Grower's sales privilege
 18 license..... \$250 \$ 1,000
 19 Special events grower's
 20 sales privilege
 21 license..... \$ 10 per day
 22 Agent..... \$125 for five years
 23 Salesperson \$ 25 for five years
 24 Winery Salesperson \$ 35 for five years
 25
 26

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

800 BENJ. FRANKLIN PLAZA

ONE SOUTHWEST COLUMBIA

PORTLAND, OREGON 97258-2095

TELEPHONE (503) 222-4422

TELECOPIER (503) 796-0699

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

January 12, 1995

VIA FACSIMILE

Paul R. Romain
Attorney at Law
1211 S.W. Fifth Avenue
30th Floor
Portland, OR 97204

Dear Paul:

This follows up our recent conversation regarding proposed legislation to enable the OLCC to permit wine raffles to benefit Section 501(c)(3) charitable organizations. Since then, I talked to Paul Williamson at the OLCC and met with the Executive Committee of Washington County Community Action Organization, my client.

My proposal to OLCC's staff was to seek legislation permitting charitable wine raffles as a new category of special retail wine licenses and to make all other necessary changes by rule. Williamson countered by requesting we also seek legislation to convert the present OLCC rule against using alcoholic beverages as a prize into statute with an exception for the raffling of wine to benefit charities.

I would appreciate your thoughts on these two possible approaches and would very much appreciate the support of our efforts by your client, the wine wholesalers.

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

Paul R. Romain
January 12, 1995
Page 2

Let me mention that I plan to enlist other charitable organizations to our cause and hopefully, obtain the support of the Office of Alcohol and Drug Abuse Programs of DHR.

I look forward to your response.

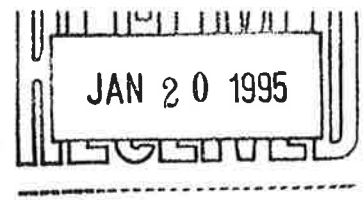
Sincerely,

A handwritten signature in black ink, appearing to be 'RCS', followed by a horizontal line extending to the right.

Robert C. Shoemaker

RCS/sbp

~~cc: Jerralynn Ness~~



ROBERT C. SHOEMAKER
ATTORNEY AT LAW
800 BENJ. FRANKLIN PLAZA
ONE SOUTHWEST COLUMBIA
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SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

TELEPHONE (503) 222-4422
TELECOPIER (503) 796-0699

January 19, 1995

Jerralynn Ness
Executive Director
Washington County Community
Action Organization
451 S. First Avenue, Suite 700
Hillsboro, OR 97123

Re: Wine Raffle to Benefit Capital Campaign

Dear Jerralynn:

This will summarize our plan to gain OLCC permission to raffle cases of wine to benefit WCCAO's capital campaign and, in later years, to help fund the services WCCAO provides to the community.

This fund raising opportunity was developed by the Washington County Wine Growers Association as a way to support WCCAO. The plan would be for raffle tickets to be sold at Washington County wine tasting houses and winery events over the Spring and Summer months for perhaps \$5.00 each. At the Fall drawing, there would be three winners, each winning a wine cellar of 15 cases of assorted Washington County wines, donated by wineries and delivered to the homes of the winners. All proceeds, in the first year, would go to WCCAO's capital campaign. The wine growers anticipate that this could become an annual event, with subsequent proceeds benefiting WCCAO's charitable activities. The only snag was that there seemed to be no lawful way to do this within the current Administrative Rules of the Oregon Liquor Control Commission.

You and I met three times with OLCC staff--particularly Paul Williamson and Darleene Meyer--to explore how our plan might be accomplished. The upshot of those meetings is the staff's belief that we need both legislation and rule amendments for two reasons:

1. There is a long standing OLCC Administrative Rule that alcoholic beverages shall not be used as a prize in any raffle or other game of chance; and

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

Jerralynn Ness
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Page 2

2. Even if we were able to amend that rule to permit wine raffles for charities, there is no licensing category that accommodates our plan.

On Tuesday, January 10, I proposed to Mr. Williamson by telephone that we seek legislation to permit the raffling of wine to benefit a Section 501(c)(3) charitable organization as a special retail wine license category and that we amend the OLCC Rules as necessary to accommodate that legislation. Mr. Williamson thought this a logical approach and seemed supportive, but requested that we also seek to convert into legislation the OLCC Rule against using alcoholic beverages as a prize, with a charitable wine raffle exception. At the Executive Committee meeting that evening, we agreed to OLCC's proposal.

Mr. Williamson also suggested that we recruit other charitable organizations to our cause so that our bill will not be seen as the effort by a single charity to benefit itself. He also suggested that in addition to seeking support from the Washington County and Oregon State Wine Growers Associations and the wine wholesalers (which I had proposed), we talk to Jeff Kushner of the State Office of Alcohol & Drug Abuse Programs and Gary Smith of The Oregon Partnership (a coalition opposed to alcohol abuse) in an effort to obtain their support or at least neutrality. I am following up on those suggestions.

Regarding the cost of this effort, I am advised by a seasoned lobbyist that a typical fee to lobby for passage of a single bill is a flat fee in the range of \$12,000 to \$30,000. A fee at the low end of that range seems reasonable in this case, particularly because in addition to the legislation we will also be working with OLCC to draft and obtain the accompanying regulations; working on both tracks at the same time so that the rules will be in place when the statute becomes effective. Nonetheless, if WCCAO should be the only client in this effort, I will undertake the task for \$5,000 because of my relationship with WCCAO and its need to use all possible funds for charitable purposes. I certainly hope, however, that other interested organizations such as the wine growers, local and statewide--as well as charitable organizations will contribute as necessary to fund a total fee of \$15,000 for this dual legislative and regulatory effort.

My plan of action at this point will be to seek support of other organizations as outlined above, to agree on the bill and regulations that we will seek, to ask Senator Kennemer, chair of the Senate Committee on Business and Consumer Affairs to request legislative counsel to draft the bill, to request introduction of the bill by that committee and then do what is necessary to schedule a hearing on the bill, to meet with members of the committee shortly before the hearing is scheduled, to present the bill at that hearing and participate if appropriate at subsequent hearings and work sessions, and to meet with such other legislators as may be

ROBERT C. SHOEMAKER
ATTORNEY AT LAW

Jerralynn Ness
January 19, 1995
Page 3

helpful, and then to repeat this effort in the House after the Senate adopts the bill. Regarding the regulations, I will develop proposed rules in consultation with OLCC staff, meet with OLCC commissioners to win their support, testify at OLCC hearings and generally do all things necessary and proper to gain our objective. Throughout I will work closely with you and your counterparts with other members of the client group and will meet with client boards and committees as appropriate. I also hope and expect that you will join me for meetings with legislators and OLCC commissioners and for presentations before committees and the OLCC.

If you have any comments or questions concerning this plan of action, I would appreciate your call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'RCS', followed by a horizontal line.

Robert C. Shoemaker

RCS/sbp

JAN 31 1995

Chair
Senator Bill Kennemer

Vice-Chair
Senator John Lim

Members
Senator Gene Derfler
Senator Joan Dukes
Senator John Lim
Senator Bill McCoy



Staff
Darrell W. Fuller, Administrator

OREGON STATE SENATE
Committee on Business and Consumer Affairs
Capitol Building, Room 335
Salem Oregon 97310
(503) 986-1689

January 26, 1995

The Honorable Robert Shoemaker
Attorney at Law
800 Benj. Franklin Plaza
One Southwest Columbia
Portland, Oregon 97258-2095

Re: LC2701; Wine raffle to benefit charities

Dear Mr. Shoemaker:

Following is a Legislative Concept (#2701) which was drafted at your request. It is being forwarded to you for review. If it appears to address your concerns appropriately, please let me know and it will be scheduled for review by the Committee for introduction as a Committee measure.

If you would like any modifications to the LC, please let me know in writing. You can fax changes to the Committee office at (503) 986-1005.

I look forward to hearing from you at your earliest convenience.

Kind Regards,

A handwritten signature in cursive script, appearing to read "Darrell W. Fuller".

Darrell W. Fuller

Enclosure

Cc: Senator Bill Kennemer, Chair

LC 2701
1/27/95 (DH/hl)

DRAFT

SUMMARY

Prohibits use of alcoholic liquor as prize, premium or consideration for lottery, contest, game of chance or skill, or competition of any kind. Exempts wine raffled by charitable nonprofit corporation. Authorizes issuance of special retail wine license for wine raffle.

A BILL FOR AN ACT

1
2 Relating to alcoholic liquor; creating new provisions; and amending ORS
3 471.290.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this Act is added to and made a part of**
6 **ORS chapter 471.**

7 **SECTION 2. (1) Except as provided in subsection (2) of this section,**
8 **alcoholic liquor may not be given as a prize, premium or consideration**
9 **for a lottery, contest, game of chance or skill, or competition of any**
10 **kind.**

11 **(2) A charitable, nonprofit corporation may conduct raffles for wine**
12 **and arrange for delivery of the wine to the residence of the person**
13 **winning a raffle.**

14 **SECTION 3. ORS 471.290 is amended to read:**

15 471.290. (1) Any person desiring a license or renewal of a license shall
16 make application to the Oregon Liquor Control Commission upon forms to
17 be furnished by the commission showing the name and address of the appli-
18 cant, the applicant's citizenship, location of the place of business which is
19 to be operated under the license, and such other pertinent information as the
20 commission may require. No license shall be granted or renewed until the
21 provisions of the Liquor Control Act and the rules of the commission have
22 been complied with.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

LC 2701 1/27/95

1 (2) Except as provided in this section, the commission shall assess a
 2 nonrefundable fee for processing each application for any license authorized
 3 by ORS chapter 471 and ORS 474.105 and 474.115 or ORS chapter 472, in an
 4 amount equal to 25 percent of the license fee. The commission shall not begin
 5 to process any license application until the application fee is paid. If the
 6 commission allows an applicant to apply at the same time for alternative li-
 7 censes at one premises, only the application fee for the most expensive li-
 8 cense shall be required. If a license is granted or committed, the application
 9 fee of 25 percent shall be applied against the annual license fee. This sub-
 10 section shall not apply to an agent's license, a salesperson's license, a man-
 11 ufacturer certificate of approval, a druggist's license, a health care facility
 12 license or to any license which is issued for a period of less than 30 days.

13 (3) Subject to subsection (4) of this section, the commission shall assess
 14 a nonrefundable fee for processing a renewal application for any license au-
 15 thorized by ORS chapter 471 and ORS 474.105 and 474.115 or ORS chapter
 16 472 only if the renewal application is received by the commission less than
 17 20 days before expiration of the license. If the renewal application is received
 18 prior to expiration of the license but less than 20 days prior to expiration,
 19 this fee shall be 25 percent of the annual license fee. If a renewal application
 20 is received by the commission after expiration of the license but no more
 21 than 30 days after expiration, this fee shall be 40 percent of the annual li-
 22 cense fee. This subsection shall not apply to an agent's license, a
 23 salesperson's license, a manufacturer certificate of approval, a druggist's li-
 24 cense, a health care facility license, a brewery-public house license or to any
 25 license which is issued for a period of less than 30 days.

26 (4) The commission may waive the fee imposed under subsection (3) of this
 27 section if it finds that failure to submit a timely application was due to un-
 28 foreseen circumstances or to a delay in processing the application by the
 29 local governing authority that is no fault of the licensee.

30 (5) The annual license fee is nonrefundable and shall be paid by each
 31 applicant upon the granting or committing of a license. The annual license

LC 2701 1/27/95

1 fee and the minimum bond required of each class of license are as follows:

2

3

Minimum

4

License

Fee

Bond

5

Brewery, including

6

Certificate of Approval \$ 500 \$ 1,000

7

Winery 250 1,000

8

Distillery 100 None

9

Wholesale Malt

10

Beverage and Wine 275 1,000

11

Bottler 150 None

12

Restaurant 200 None

13

Certificate of Approval,

14

Class A 15 None

15

Certificate of Approval,

16

Class B 50 None

17

Package Store 50 None

18

Package Store Tasting 75 None

19

Druggist 5 None

20

Railroad System or Public

21

Passenger Carrier

22

or Boat 100 None

23

Industrial Alcohol 50 None

24

Retail Malt Beverage 200 None

25

Health Care Facility 5 None

26

Warehouse 100 1,000

27

Special retail beer

28

license may be

29

issued for any picnic,

30

convention, fair, civic

31

or community enterprise

LC 2701 1/27/95

- 1 or business promotion on
- 2 a licensed premises at..... \$ 10 per day
- 3 Special retail wine
- 4 license may be issued
- 5 for any special auction,
- 6 wine raffle, picnic, convention,
- 7 fair, civic or community
- 8 enterprise or business
- 9 promotion on a licensed
- 10 premises at..... \$ 10 per day
- 11 Special events winery
- 12 license may be
- 13 issued to a
- 14 winery licensee at..... \$ 10 per day
- 15 Bed and breakfast
- 16 license..... \$ 5 per guest unit
- 17 Brewery-Public House,
- 18 including Certificate
- 19 of Approval..... \$250 \$ 1,000
- 20 Grower's sales privilege
- 21 license..... \$250 \$ 1,000
- 22 Special events grower's
- 23 sales privilege
- 24 license..... \$ 10 per day
- 25 Agent..... \$125 for five years
- 26 Salesperson..... \$ 25 for five years
- 27 Winery Salesperson \$ 35 for five years
- 28
- 29

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

800 BENJ. FRANKLIN PLAZA

ONE SOUTHWEST COLUMBIA

PORTLAND, OREGON 97258-2095

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

TELEPHONE (503) 222-4422

TELECOPIER (503) 796-0699

January 30, 1995

Fred VanNatta
VanNatta Public Relations
P.O. Box 135
559 Union Street, N.E.
Salem, OR 97308

Re: Washington County Community Action Organization

Dear Fred:

This follows up on our conversation at the Hello Party last week.

In addition to working with you on behalf of the Multnomah County Medical Society, I have been asked to represent the Washington County Community Action Organization ("WCCAO") in obtaining legislation to permit the raffling of table wine to benefit charitable organizations and to work with OLCC in developing regulations for that bill. The plan is to work on both tracks at the same time so that when and if the legislation is passed, the regulations will be in place.

WCCAO has requested advice from a veteran lobbyist on what might be a normal and reasonable fee to be charged for the above services. Since I serve on WCCAO's board, I will be providing my services at substantially less than a normal fee. Nonetheless, WCCAO does need the information requested in order to enter into a contract with me without first putting it out for competitive bid.

Your prompt response would be very much appreciated. Thank you.

Sincerely,



Robert C. Shoemaker

RCS/sbp
cc: Jerralynn Ness

OREGON GOVERNMENT STANDARDS & PRACTICES COMMISSION
 100 HIGH STREET SE, SUITE 220
 SALEM, OR 97310
 503 - 378-5105
 503 - 373-1456 FAX

OFFICE USE ONLY:
 FEE: YES _____ NO _____
 COMP _____ UNCOMP _____ PA _____ ADD'L _____
 REG. NO.: _____
 BY: _____

LOBBYIST REGISTRATION STATEMENT

PLEASE TYPE OR PRINT

LOBBYIST NAME	LAST	Shoemaker	FIRST	Robert	M.I.	C
	BUSINESS ADDRESS	STREET One S.W. Columbia, Suite 800				
	CITY	Portland	STATE	OR	ZIP	97258
PHONES	BUSINESS	222-4422	FAX	796-0699	DURING SESSION	

DO YOU RECEIVE COMPENSATION FOR BEING A LOBBYIST?
 YES NO

ARE YOU A PUBLIC EMPLOYEE WHO LOBBIES ON BEHALF OF YOUR PUBLIC AGENCY EMPLOYER?
 YES NO

EMPLOYER NAME	Washington County Community Action Organization					
EMPLOYER ADDRESS	STREET	451 S. First Avenue, Suite 700				
	CITY	Hillsboro	STATE	OR	ZIP	97123
PHONES	OFFICE	648-6646	FAX	648-4175	OTHER	
TYPE OF BUSINESS	Charitable organization to assist those in need and to operate Head Start program in Washington County, Oregon.					
SUBJECT(S) OF LEGISLATIVE INTEREST	Bill to authorize raffle of wines for benefit of charitable organizations					

NAME OF ANY MEMBER OF THE OREGON LEGISLATIVE ASSEMBLY EMPLOYED BY LOBBYIST'S EMPLOYER:
 None

NAME OF ANY MEMBER OF THE OREGON LEGISLATURE EMPLOYED BY LOBBYIST, OR WHO IS ASSOCIATED WITH A BUSINESS, AS DEFINED IN ORS 244.020, WITH WHICH LOBBYIST IS ALSO ASSOCIATED:
 None

VERIFICATION: I CERTIFY UNDER PENALTY OF FALSE AFFIRMATION THAT THE ABOVE IS TRUE AND CORRECT

LOBBYIST SIGNATURE _____ DATE _____

DESIGNATION: I DESIGNATE THE PERSON NAMED ABOVE TO LOBBY ON BEHALF OF THE EMPLOYER NAMED ABOVE

SIGNATURE _____ DATE _____

NAME/TITLE _____

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

800 BENJ. FRANKLIN PLAZA

ONE SOUTHWEST COLUMBIA

PORTLAND, OREGON 97258-2095

TELEPHONE (503) 222-4422

TELECOPIER (503) 796-0699

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

January 19, 1995

The Honorable Bill Kennemer
Chair, Senate Committee on
Business and Consumer Affairs
Oregon State Senate
Capitol Building
Salem, Oregon 97310

Re: Wine raffle to benefit charities

Dear Bill:

During my years in the Senate, I served on the board of the Washington County Community Action Organization. WCCAO is a private, non-profit corporation which helps low income families meet their emergency and basic needs, runs the Head Start program in Washington County and provides other social services. WCCAO is in the middle of a capital campaign to build a multi-service center to house its ever expanding services. To raise funds, the Washington County Wine Growers Association offered to donate cases of Washington County wines to be raffled off and delivered to wine cellars of the lucky winners. Unfortunately, this runs afoul of a long standing Administrative Rule of the Oregon Liquor Control Commission which prohibits using alcoholic beverages as a prize for any game of chance, including raffles.

Jerralynn Ness, the executive director of WCCAO, and I met several times with OLCC staff and find them supportive of our proposal but believing that it will take legislation to make it possible. The purpose of this letter is to ask if you would request legislative counsel to draft our bill and to then request the Business and Consumer Affairs Committee to introduce the bill as a committee bill. We also hope the bill will have a hearing and a work session.

At the OLCC's request, the bill would legitimize the existing rule (which has no specific statutory base) by enacting it as legislation, subject to an exception for wine raffles to benefit

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

The Honorable Bill Kennemer

January 19, 1995

Page 2

charitable organizations. Paraphrasing the Administrative Rule, the bill we request might read as follows:

"Except for wine raffled for off premises delivery for the sole benefit of a public benefit corporation recognized as exempt under Section 501(c)(3) of the Internal Revenue Code, no licensee or permittee will give or permit any alcoholic beverage as a prize, premium or consideration for any lottery, contest, game of chance or skill, or any competition of any kind on or off a licensed premises."

In addition, ORS 471.290(5) should be amended to include "wine raffle" as a category of special retail wine license.

Thank you for your accommodation of this request. I look forward to being seated in the witness chair before your committee in the weeks ahead.

Sincerely,

Robert C. Shoemaker

RCS/pr
cc: Jerralynn Ness, WCCAO
Paul Williamson, O.L.C.C.

ROBERT C. SHOEMAKER

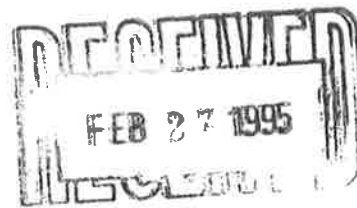
ATTORNEY AT LAW

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ONE SOUTHWEST COLUMBIA

PORTLAND, OREGON 97258-2095

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.



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TELECOPIER (503) 796-0699

February 24, 1995

The Honorable Eldon Johnson
Chair, House Commerce Committee
Oregon State House of Representatives
Capitol Building, H-392
Salem, OR 97310

Re: SB 453-Permitting Wine Raffles to Benefit
Charities

Dear Eldon:

I enjoyed and appreciated the chance to talk with you
about Senate Bill 453 on Wednesday and am pleased to report that
yesterday the bill was passed by the Senate by a vote of 24-4.
Enclosed is a copy.

Sincerely,

A handwritten signature in dark ink, appearing to be "Robert C. Shoemaker". The signature is written in a cursive style with a large, sweeping initial "R".

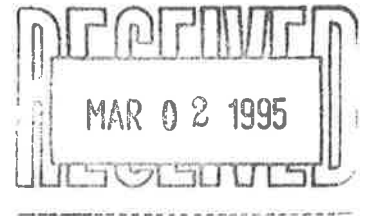
Robert C. Shoemaker

RCS/sbp

Enclosure

cc: Jerralynn Ness
Executive Director
Washington County Community
Action Organization

ROBERT C. SHOEMAKER
ATTORNEY AT LAW
800 BENJ. FRANKLIN PLAZA
ONE SOUTHWEST COLUMBIA
PORTLAND, OREGON 97258-2095



TELEPHONE (503) 222-4422
TELECOPIER (503) 796-0699

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

March 1, 1995

Jerralynn Ness
Executive Director
Washington County Community Action
Organization
451 South First Avenue, Suite 700
Hillsboro, OR 97123

Re: SB 453

Dear Jerralynn:

As I told you by telephone, I talked last week with Representative Eldon Johnson, who chairs the House Commerce Committee to which SB 453 will probably be assigned. Eldon and I have had a good relationship over the years. I mentioned to him that I had a bill I thought would find its way to his committee. He was very interested and favorably inclined. At this point it looks like clear sailing in the House, just as in the Senate where our bill was adopted 24 to 4 after a unanimous committee vote. But you never know in this business until the bill is signed by the Governor.

On the negative side, I enclose a letter of February 16 from Jeffrey Kushner, who is the Assistant Director of the Office of Alcohol and Drug Abuse programs. His letter is addressed to Senator Kennemer and predictably rails against our bill. It comes too late, of course, but let's hope he does not figure that out and sends it to others in the legislature.

Sincerely,

A handwritten signature in dark ink, appearing to be "RCS", written over a horizontal line.

Robert C. Shoemaker

RCS:dmm
Enclosure

February 16, 1995

DEPARTMENT OF
HUMAN
RESOURCES

The Hon. Bill Kennemer
Chairperson, Senate Committee
on Business & Consumer Affairs
335 State Capitol
Salem, OR 97310

Human Resources
Building

OFFICE OF
ALCOHOL AND DRUG
ABUSE PROGRAMS



*Prevention and Treatment
for a Better Oregon*

Dear Senator Kennemer:

The Oregon Legislative Assembly in 430.290 gave the responsibility "to prevent alcoholism and drug dependency" to the Mental Health and Developmental Disability Services Division (Office of Alcohol and Drug Abuse Programs, 1985).

In carrying out that responsibility, I would like to raise some questions and concerns regarding Senate Bill 453 and the legalization of allowing alcoholic beverages, in this case wine, as a raffle prize or premium for non-profit corporations in Oregon and the delivery thereof to the residence of the winner.

Although on the face of it this bill seems mostly harmless, it is one more step in a long process or set of steps that leads to the normalization of alcohol consumption by Oregonians--a normalization that has led to a variety of problems in our state resulting in extraordinary costs to families, medical and social agencies, businesses and industry, and criminal justice and law enforcement agencies. These problems include and are not limited to: increased suicides, personal and property crimes, child abuse and neglect, fatal falls, drownings, fires, homicides, a significant level of unintentional injuries, assaults, spousal abuse, foster care placements, lost productivity on the job, and the list goes on and on.

The 1994 Oregon Student Drug Use Survey indicates that over 11 percent of our 6th graders have used alcohol in the past month and that junior high and high school students have increased their use between 1992 and 1994 by 13.7 percent and 11.2 percent respectively.

John A. Kitzhaber
Governor



500 Summer Street NE
Salem, OR 97310-1016
Salem - (503) 945-5763
FAX - (503) 378-8467
TTY - (503) 945-5893

The Hon. Bill Kenemer

Page 2

February 16, 1995

So . . . we ask the following questions:

1. Should we continue to pass legislation, liberalize policies, and effectuate administrative rules that continue to "normalize" the access to and consumption of beverage alcohol?
2. What about the 33 to 40 percent of Oregonians who may want to support their local non-profit agency, want to buy a raffle ticket, but do not drink alcohol? Why shouldn't the winery contribute funds so the raffle winner can choose whether they want to purchase alcohol . . . or not?
3. Many non-profits exist to serve our children. Does this send the wrong message to our children? Do we need to raffle alcohol beverages in order to maintain services to our children?

Lastly, can we reduce the problems caused by the consumption of alcohol if we continue to pass legislation and otherwise make decisions reinforcing the message that alcohol is not a problem, in fact can do great things for us (make us popular, make us sexy, make us rich--as the industry would have us believe) and ought to be a prize at a raffle? The answer is clear. The answer is no. Thank you.

Sincerely,



Jeffrey N. Kushner
Assistant Director

JNK:mb

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

800 BENJ. FRANKLIN PLAZA

ONE SOUTHWEST COLUMBIA

PORTLAND, OREGON 97258-2095

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SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

March 9, 1995

Jerralynn Ness
Executive Director
Washington County Community Action
Organization
451 South First Avenue, Suite 700
Hillsboro, OR 97123

Re: SB 453

Dear Jerralynn:

I learned yesterday that our bill was assigned to the House Committee on General Government and Regulatory Reform, Subcommittee on State and Federal Affairs. The whole committee is chaired by Representative Bob Tiernan. The subcommittee is chaired by Representative Bill Markham. Apparently, all OLCC bills are being referred to Markham's subcommittee. I had a pleasant chat with him on the telephone today and as I explained the bill to him, he said he saw no problem with it. Markham is an old legislative veteran and a decent guy. I think he shares the view of most Republicans that the less government is involved in our affairs, the better. This should lead him to look upon our bill favorably and his comment to me tends to bear this out.

I also learned that no Senate bill will be considered by this committee until after April 15, which is the deadline for House committees to deal with House bills. The committee did deal with a half dozen alcohol related bills in late February and our bill just missed these hearings. Apparently, the hearing on those bills was at 1:00 p.m. on the very day that our bill was assigned to that committee. The bills that were heard were no doubt filed before the session began.

Sincerely,



Robert C. Shoemaker

RCS:dmm
Enclosure

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

800 BENJ. FRANKLIN PLAZA

ONE SOUTHWEST COLUMBIA

PORTLAND, OREGON 97258-2095

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

TELEPHONE (503) 222-4422

TELECOPIER (503) 796-0699

April 27, 1995

COPY

The Honorable Barbara Ross
Vice-Chair
H-366 Oregon State Capitol
Salem, OR 97310

Re: Senate Bill 453 -- Wine Raffles to Benefit Charities

Dear Barbara:

Senate Bill 453 will be before your Committee today for a work session. By mistake I missed the hearing on the bill last week so let me make my case by this letter.

During my six years in the Senate, I served on the board of the Washington County Community Action Organization ("WCCAO"). WCCAO is a private, non-profit corporation which helps low income families meet their emergency and basic needs, runs the Head Start Program in Washington County and provides other social services. WCCAO is in the middle of a capital campaign to build a multi-service center to house many of its services. To raise funds, the Washington County Wine Growers Association offered to donate cases of Washington County wines to be raffled off and delivered to the homes of the lucky winners. Unfortunately, this runs afoul of a long standing Administrative Rule of the Oregon Liquor Control Commission which prohibits using alcoholic beverages as a prize for any game of chance, including raffles.

Jerralynn Ness,, the Executive Director of WCCAO, and I met several times with OLCC staff and found them supportive of our proposal but believing that it will take legislation to make it possible. The result of these meetings was SB 453. The bill would legislate the rule against using alcohol as a prize, carving out an exception for wine raffles to benefit charitable organizations which in turn benefit the public at no public cost. I hope you will agree with the

ROBERT C. SHOEMAKER

ATTORNEY AT LAW

The Honorable Barbara Ross

April 27, 1995

Page 2

OLCC staff that the "evils of drink" do not include table wine served with dinner or at other household gatherings; especially wine produced in Oregon by one of our premier agricultural industries.

Please vote "yes" on SB 453.

Sincerely,

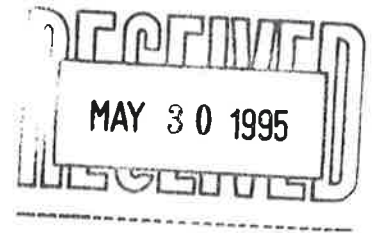
Robert C. Shoemaker

RCS:pr

Enclosure

cc: Jerralynn Ness

go - file please



ROBERT C. SHOEMAKER
ATTORNEY AT LAW
800 BENJ. FRANKLIN PLAZA
ONE SOUTHWEST COLUMBIA
PORTLAND, OREGON 97258-2095

SPECIAL COUNSEL FOR
HALLMARK, KEATING & ABBOTT, P.C.

TELEPHONE (503) 222-4422
TELECOPIER (503) 796-0699

May 24, 1995

COPY

The Honorable John Kitzhaber
Governor, State of Oregon
254 State Capitol
Salem, Oregon 97310

Re: **Senate Bill 453 - Wine Raffles to Benefit Charities**

Dear John:

I represent the Washington County Community Action Organization which obtained passage of a bill to permit charities to conduct raffles of table wine. We had the support of the OLCC staff and at their request included in the bill a provision which, except for wine raffles by charities, legislates a long standing OLCC rule against using alcoholic beverages as a prize in games of chance or skill. In effect this bill treats wine raffles much like wine auctions with which we are all familiar and will encourage Oregon wine growers to contribute table wine to benefit charitable organizations.

I hope SB453 will meet with your approval. If you or your staff have any questions or concerns about it, however, I would very much appreciate a call.

Sincerely,

RCS/pr
c.c. Jerralynn Ness (WCCAO) ✓

OREGON LIQUOR CONTROL COMMISSIONERS

Chair Gene Hallman, 2nd Congressional District, Pendleton
Attorney in private practice
39 SE 3rd Street
Pendleton, Oregon 97801
503-276-3857

Appointed 8/15/87 to fill unexpired term of commissioner who resigned.

Reappointed 4/1/90 - 3/31/94, 4/2/94 - 3/31/98

Commissioner Marc Kelley, 1st Congressional District, Portland
Senior Vice President, Marketing One
400 SW 6th Suite 1000
Portland, Oregon 97204
503-220-0515, ext. 339

Appointed 4/1/90 - 3/31/94

Reappointed 4/1/94 - 3/31/98

Commissioner Kaye Kennett, 4th Congressional District, Eugene
Retired educator and health professional
8844 Evers Road
Elmira, Oregon 97437
503-935-2733

Appointed 4/13/94 - 3/31/98

Commissioner Robert Puentes, 5th Congressional District and
liquor industry representative, Salem
Owner of La Estrellita Restaurants in Salem, Keizer, Aumsville,
Corvallis, and Silverton
3295 Silverton Road NE
Salem, Oregon 97303
503-362-7032

Appointed 2/9/94 - 2/28/98

Commissioner Amoy Williamson, 3rd Congressional District,
Portland Senior Management Auditor, City of Portland
6420 NE 41st Avenue
Portland, Oregon 97211
503-284-0921 (H)

Appointed 7/1/94 - 3/31/96 to fill unexpired term of
commissioner who resigned.



Wine Cellar Raffle

Committee Meeting

Wednesday, October 5, 1994
2 p.m.

Tuality Health Education Center
Classroom 1
334 S.E. 8th
Hillsboro

Washington
County
Community
Action
Organization

451 S. First Ave.
Suite 700
Hillsboro, OR
97213

Telephone:
503.648.6646
Fax:
503.648.4175

Agenda Items

1. Legal options and time estimations on holding wine raffle -- Attorney Bruce Berning
2. Decide on a date to recommend to the Community Campaign Steering Committee regarding when we should stop planning to hold a raffle and begin to focus on another project.
3. Other fund-raising options to include in the Community Campaign.

Steering Committee:
Shirley Huffman, Chair
Carol Clark
Bob Colfelt
Gary Conkling
Linda Davis
Sandra Miller
Richard Porn
Sherry Robinson
Senator Bob Shoemaker
Dick Stenson
Bob Wayt
Russell Wilkinson