

USING THE CASE DIGEST

The OLCC issues Final Orders in contested case proceedings, which become the agency's precedent to guide decisions in future cases. The Case Digest ("Digest") provides summaries of most Final Orders issued by the Commission since 1983, as well as select Oregon appellate court cases relevant to agency issues. The following are some general cautions and instructions for using the Digest.

Cautions

- **The Digest is not legal advice.** The OLCC cannot and will not provide legal advice, and the Digest should never be construed in any way as providing legal advice.
- **The Digest is a summary only.** The Digest is a summary of the Commission's Final Orders and certain appellate cases, and is not intended to reflect every relevant fact, legal principle, or rule of law in each individual case. You should always read the entire case and not rely solely on the Digest summaries. The full text of most Final Orders are available on the OLCC website.
- **The Digest is for informational purposes only.** The Digest is a starting point for any research, not an ending. In addition, while the OLCC intends for the information in the Digest to be accurate, unintended inaccuracies may be present. You should always thoroughly read the referenced cases and make your own judgment, or seek legal advice when appropriate.
- **The Digest may reference cases that are no longer precedential.** From time to time the Commission may overturn a prior ruling, or an appellate court may decide a case differently than the Commission initially did. Further, rule or statute changes may affect whether a case still represents good law. Many of these occurrences are noted in the Digest (for example, a case may be noted as "overturned" or "overruled"), but not all changes in a case's precedential value may be evident by reviewing the Digest alone. You should review the entirety of the Final Orders and/or appellate opinions on a particular topic to evaluate whether a case is still good precedent, or seek legal advice.

Instructions

The Digest is a collection of case summaries, and most summaries include the following components:

Case: The name and/or citation of the case. Some summaries may identify multiple cases if they have similar holdings or rulings.

Facts: For most contested cases from 2004 to present, a short summary of the facts involved in the case.

Abstract: A summary of the legal principles, findings, or holdings of the Commission or appellate court. If a case involved multiple issues or holdings, each will be noted in separate paragraphs in the "Abstract" section.

Key Words/Phrases: For most contested cases from 2004 to present, a list of key words or phrases used in the case. This section is intended to aid in searching for cases involving a particular subject or issue, and does not necessarily identify all cases in which a particular word or phrase is used.

You can search the Digest in any of the following ways:

- **By Topic.** The Digest is organized according to broad topics. Here are the main topic areas and

corresponding sections where they are located:

<u>TOPIC</u>	<u>Section</u>
Hearing Process	A
Licensing/Refusal	B
Violations	C
Emergency Suspension	D
Retail Agencies	E
Server Education Program Providers	F
Declaratory Rulings	G
Attorney Fees/Sanctions	H
Words & Phrases	I

Each section contains an index of available subsections within the topic. You can go directly to any subsection by clicking the link next to it in the index. There you will find relevant cases in reverse chronological order (newest to oldest) pertaining to that subsection. To return to the index, simply click on the “return to index” link located under each main subsection heading.

EXAMPLE: If you would like to review cases involving “sale to minor” violations, start with section C (Violations). Locate the subsection titled “Sale to Minor” in the section C index, and click on the link to be directed to the cases involving this topic.

EXAMPLE: If you would like to review cases discussing good cause to overcome an applicant’s prior convictions, start with section B (Licensing/Refusal). This particular subsection would be found at: **B. (Licensing/Refusal) 1. (General Criteria for Licensing) b. (Applicant’s Personal Qualifications) 7. (Conviction History)**. This subsection will also contain cases addressing other issues involving an applicant’s conviction history, so looking at the “Facts,” “Abstract” and “Key Words/Phrases” sections of the case summaries may help narrow your search down further.

- **By Case.** The “Final Orders Cited” section provides an alphabetical list of violation and licensing cases, and corresponding sections/subsections where those cases are catalogued. The “Final Orders Cited” section also provides a chronological listing of service permit refusal cases (names of service permit applicants are not listed in the Digest). Similarly, if you are looking for appellate court decisions you would look in the “Appellate Opinions Cited” section for an alphabetical list.
- **By Rule/Statute.** If you would like to find cases discussing a particular rule or statute, simply locate the rule or statute in the “Reverse Index” section to find the corresponding sections/subsections where relevant cases are summarized. Please note that over time the Commission has changed its rules, and/or the Legislature has amended or repealed various statutes. As a result some cases in the Digest may involve outdated, repealed, or renumbered rules/statutes. You may need to perform additional research or seek legal advice to determine if cited authorities are still controlling.

Questions?

If you are involved in a contested case proceeding with the agency and have additional questions, contact the case presenter assigned to your case. If you have general questions or comments about the Digest contact Danica Hibpshman, Technical Services Coordinator for the OLCC’s Administrative Policy & Process Division, at (503) 872-5210.

