

## RESOLUTION NO. 96-1963

**RESOLUTION OF THE NEWBERG CITY COUNCIL RECOMMENDING THAT THE OREGON LIQUOR CONTROL COMMISSION (OLCC) DENY THE RENEWAL APPLICATION OF NAFISA MAHMOOD TO OPERATE A PACKAGE STORE KNOWN AS "EVERYBODY'S MARKET", LOCATED AT 2113 PORTLAND ROAD, NEWBERG, OREGON.**

### RECITALS:

1. On April 3, 1989, Resolution No. 89-1377 was adopted by the Newberg City Council setting forth the process and authorizing the City Manager to approve OLCC liquor license applications pursuant to the OLCC application process for liquor license applicants within the City of Newberg.
2. On March 14, 1996, the City of Newberg received the renewal application of the package store liquor license for Nafisa Mahmood, (trade name of "H-Market #2", also known as "Everybody's Market"), located at 2113 Portland Road, Newberg, Oregon.
3. Under the City's procedure, a copy of the renewal application was forwarded to the Newberg Police Department for review and consideration. On March 14, 1996, Lt. Stan Newland, Newberg Police Department presented a memo to Duane Cole, City Manager, concerning the Police Department's concerns about the renewal of Nafisa Mahmood's OLCC license.
4. On March 15, 1995, Duane R. Cole sent a memo to Terrence D. Mahr, City Attorney, concurring with the Police Department's recommendation to not approve the OLCC license for Ms. Mahmood.
5. On March 27, 1996 and in accordance with Resolution No. 89-1377, the renewal application, with accompanying documentation, was forwarded the City's Community Relations Committee (formerly the Public Safety Committee).
6. On April 4, 1996, the City received a letter dated April 3, 1996 to Nafisa Mahmood, from the Oregon Liquor Control Commission concerning its "Legal Basis for Refusal" of Nafisa Mahmood's renewal application, addressing hidden ownership and related issues involving the above-referenced business.
7. On April 30, 1996, the Community Relations Committee met and recommended that the City not endorse the renewal application of Nafisa Mahmood's OLCC license.


8. Further, according to the City's procedure, the matter was then referred to the City Council for their recommendation.
9. An OLCC hearing was held on May 8, 1996, to consider the information and testimony presented concerning the renewal application of Nafisa Mahmood.
8. Ms. Nafisa Mahmood has been given notice of the City's public hearing for May 20, 1996. Ms. Mahmood has received copies of the documents mailed to the Council in the agenda packet, as well as the documentation submitted to the Community Relations Committee.

**NOW, THEREFORE, THE NEWBERG CITY COUNCIL RESOLVES AS FOLLOWS: :**


1. The Newberg City Council recommends that the Oregon Liquor Control Commission (OLCC) deny the renewal application for a package store liquor license for Nafisa Mahmood, for the premises known as "H-Market #2 (also known as "Everybody's Market), located at 2113 Portland Road, Newberg, Oregon.
2. The Council adopts as findings of facts, the recitals as recited above and takes into consideration all information presented to it at the hearings, and bases it's decision specifically on the following findings.
  - A. The representation as to the financial responsibility of Nafisa Mahmood and the verifiable financing of the business has not been presented correctly. The interest of Ms. Mahmood in the business has not been represented adequately in the application.
  - B. The business has a history of selling alcohol to intoxicated persons and/or selling alcohol to minors. Although neither incidents resulted in actual criminal conviction, both incidents were reported and involved Police Department.
  - C. There has been a history of disturbances at this particular location.
  - D. Testimony has been presented concerning tobacco having been sold to individuals under the age of 18 years of age, even though this market would have received notice, as all other markets, that there were regulations prohibiting the sale of tobacco to persons under the age of 18 years of age. This regulation was to be specifically enforced.
  - E. There has been some history of disorderly activities associated at this premises including vandalism and excessive or obtrusive noise. The police have had to respond to the location a number of times concerning incidents taking place in the parking lot.

- F. The ownership of the market is unclear. Mr. Wahid Mahmood, who had specifically been prohibited from being on the premises and participating in the management, seems to have actually been running the business. Mr. Habib Naseri and Mr. Fakeer Rahim have been participants and actively involved in the business for at least over the last year.
- G. Mr. Fakeer Rahim had previously applied to the Department of Agriculture for a license indicating that he was the owner of the Market in April, 1994. However, he did not disclose any ownership to the OLCC until over a year later.
- H. No further applications should be processed or recommended until verifiable, factual information can be obtained in accordance with the applicants' finances and ownership of the market.
3. Further, the City requests that OLCC notify it of any change in the status of the license at such premises and any administrative actions taken concerning the market and/or package store liquor license.

**ADOPTED** by the Newberg City Council this 17<sup>th</sup> day of June, 1996.

  
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Duane R. Cole, City Recorder

**ATTEST BY THE MAYOR** this 18<sup>th</sup> day of June, 1996.

  
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Donna Proctor, Mayor