

**S.M.I.L.E. SPECIAL BOARD MEETING**  
**WEDNESDAY, MAY 23, 2012; SMILE STATION**

[www.SellwoodMoreland.org](http://www.SellwoodMoreland.org)  
and  
[www.SMILerecords.org](http://www.SMILerecords.org)

Officers and Directors present: President Mat Millenbach,  
and Secretary Eric Norberg; and Directors Stan Hoffman, Tom  
Ramsey, Bradley Heintz, Nancy Walsh, Gerri Sue Lent, Nate  
Maki, Ellen Burr, and Michael Hayes

President Mat Millenbach called the Special Board Meeting (held in accordance with SMILE Bylaws) to order at 7:34 pm, observing that a quorum was present. He explained that this special meeting would be devoted to just two issues, as announced to the public: (1) SMILE's current position on a liquor license for Casa Diablo just south of Umatilla Street on the west side of McLoughlin Boulevard, adjacent to both The Acropolis and to Johnson Creek Park; and (2) whether SMILE wants to take a position on the extensive Eric Miller letter to OLCC on this matter, or let it stand on its own merits. He presented a new version of the "Briefing Paper" for the Board after attending the May 21 OLCC meeting, and asked attendees for introductions.

As concerns the current points in the Briefing Paper, Mat summarized: (1) We are concerned about outdoor music at the proposed club; there has been no agreement with club management. (2) We and the club management have agreed to hold Casa Diablo to no sterner standard than the Portland City Noise Ordinance Terms. (3) SMILE wanted to end the sale of alcohol at 1:30 am, one hour early; there was no agreement and little discussion of this. (4) Casa Diablo seems to have a good house policy on drunk customers; SMILE is in agreement. (5) SMILE, which had originally asked for one drink sold per customer per purchase has agreed to a limit of two drinks sold per customer per purchase. (6) Casa Diablo servers will take the OLCC server education course; SMILE agrees. (7) OLCC rules on persons showing signs of intoxication are probably sufficient in this case. (8) Casa Diablo says it will have only one security person on duty at all times; SMILE does not agree and believes more security people are necessary, especially at peak times. (9) Casa Diablo agrees to patrol its parking lot after 9 pm -- but only with its regular staff, not with security personnel, so SMILE is not in agreement.

Millenbach added that SMILE is concerned about litter around the Casa Diablo location; Casa Diablo seemed focused on a fence between Casa Diablo and the adjacent Johnson Creek Park, even though SMILE did not bring up the subject of a fence. Further, SMILE believes there is inadequate parking for patrons at Casa Diablo, which forcing patrons to park on streets in the vicinity; this concern was not addressed by Casa Diablo management.

Millenbach said that for OLCC personnel, the top issues of concern are security, noise, and livability-related -- with the remainder of SMILE concerns seemingly left to being addressed via a Good Neighbor agreement, which is non-enforcible, and in which Casa Diablo has not agreed to participate. Jacob Brostoff of the Office of Neighborhood Involvement was present (his e-mail address is: jacob.brostoff@portlandoregon.gov) and advised the Board that "if these things matter to SMILE, play hardball and insist they be restrictions on the license".

Eric Norberg moved that SMILE adopt the proposed Board resolution presented by Mat Millenbach, and Stan Hofmann seconded the motion. Gerri Sue Lent then proposed changes in wording which she believes would increase the legal force of the resolution; she and Nate Maki discussed some potential wording changes. Mat added a paragraph from the OLCC website itself, concerning its mission, to the resolution, and Eric reaffirmed his motion and Stan reaffirmed his second.

Mat Millenbach then tabled the motion in order to consider the other matter on the agenda of the special meeting -- the 40-page report from Eric Miller, former Board member. The gist of his cover letter is that the OLCC report on the Casa Diablo site is deficient on a couple of points: (1) Inadequate documentation of crime at the Northwest Casa Diablo location before, during, and after the period of the OLCC report; and (2) that the new Southeast Casa Diablo would be within 500 feet of a city park, so Casa Diablo must be able to control the behavior of its patrons with respect to the park, which makes relevant the patron behavior at the existing Northwest location, thus making it necessary to examine that patron behavior.

President Millenbach commented that he finds Eric Miller's cover letter to the OLCC to be argumentative and not entirely professional in addressing the Commission, which makes the entire letter and report somewhat uncomfortable for SMILE to adopt. Bradley Heintz had advocated SMILE adopting the report, but he expressed dismay and reservations about doing so after he read the cover letter, which he said he had not seen earlier. Gerri Sue Lent suggested SMILE send the Miller document and "demand" the documented concerns and violations be investigated, and the report be updated, without specifically endorsing Miller's cover letter. Brostoff pointed out that the document is already at the OLCC -- we can just refer to matters of record that are of concern to us. Mat will contact Rashad at OLCC to make sure the Miller document is part of the official record. Returning to the resolution on the table, Mat read the additions and revisions to the resolution since Eric Norberg made the motion; Eric consented to the changes and Stan Hoffman reconfirmed his second. The motion then carried unanimously.

Nate Maki moved the meeting be adjourned, and Tom Ramsey seconded the motion, which carried unanimously at 9:06 pm.