

PROCLAMATION

Hispanic, Latino, and Indigenous Heritage Month September 15th - October 15th, 2024

WHEREAS, people who identify themselves as Hispanic, Latino, or Indigenous from Mexico, Spain, the Caribbean, South and Central America have contributed to Woodburn's history, culture, prosperity, and successes; and

WHEREAS, Woodburn honors the rich and diverse cultural heritages and historical legacies; and

WHEREAS, Woodburn's Hispanic, Latino, and Indigenous communities now constitute fifty-seven percent of our population, including leaders, policymakers, educators, students, health care professionals, agriculture, military, public safety, industrial, the trades, business and organization leaders, and entrepreneurs, actively involved in our community and in mentoring our next generation; and

WHEREAS, the Governor has proclaimed the month of September 15 through October 15 to be Hispanic, Latino, and Indigenous Heritage Month, and the City of Woodburn proudly joins the nation in celebrating the rich cultures and histories of Hispanic, Latino, and Indigenous heritages in Oregon. The State of Oregon and the City of Woodburn dedicate ourselves to working together to address the challenges that still face Hispanic, Latino, and Indigenous Oregonians in equity and access to the prosperity of Oregon.

NOW, THEREFORE, I, Frank Lonergan Mayor of the City of Woodburn, hereby proclaim September 15 through October 15, 2024, to be "HISPANIC, LATINO, AND INDIGENOUS HERITAGE MONTH" in the City of Woodburn and encourage all to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Woodburn to be affixed.

Frank Lonergan, Mayor
City of Woodburn

COUNCIL MEETING MINUTES

AUGUST 12, 2024

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, AUGUST 12, 2024

CONVENED The meeting convened at 7:00 p.m. with Mayor Lonergan presiding.

ROLL CALL

Mayor Lonergan	Present
Councilor Cantu	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Morris	Present
Councilor Cabrales	Absent
Councilor Wilk	Present

Staff Present: City Administrator Derickson, City Attorney Granum, Assistant City Administrator Row, Police Chief Pilcher, Community Services Director Cuomo, Community Development Director Kerr, Finance Director Turley, Public Works Director Stultz, Human Resources Director Gregg, Senior Management Analyst Sherman, Special Projects Director Wakeley, City Recorder Pierson, Lieutenant Kimberlin, Community Services Officer Weathermon, Public Relations and Communications Manager Guerrero, Community Relations Manager Herrera, Community Outreach and Education Coordinator Uder

ANNOUNCEMENTS

Mayor Lonergan announced that the Fiesta Mexicana is celebrating its 60th Anniversary in 2024 and will take place August 16-18, 2024, at Legion Park.

PRESENTATIONS

Recognition of Pastor Luis Molina – Mayor Lonergan stated that it is an honor and a privilege to recognize a man that has given so much to the city of Woodburn, Pastor Luis Molina. City Administrator Derickson stated that the community is a much better place because of Pastor Molina and his mentorship and his guidance, and his commitment and love for Woodburn. He added that Pastor Luis represents the very best ideals of what we have to offer as a community and he is proud to call Pastor Luis his friend. Police Chief Pilcher stated that in just the last couple of months Pastor Luis has shown up to cook a couple hundred of hot dogs and hamburgers for the police departments open house and then on a moment's notice, when the executive director of Metcom passed away very suddenly, he was right there providing spiritual help for all the Metcom employees. He added that Pastor Molina had one of the largest and most well attended National Night Out events at the Foursquare Church. Chief Pilcher summed it up by saying that he is proud to be affiliated with the Woodburn Police Department and the City of Woodburn, and that both of those organizations are proud to be affiliated with Pastor Luis.

Quarterly Investment Report – Finance Director Turley introduced the City's investment advisor, Lauren Brandt from PFM Asset Management who presented an update on the City's Market and investment strategy.

COUNCIL MEETING MINUTES

AUGUST 12, 2024

Community Outreach and Education Coordinator Update – Community Outreach and Education Coordinator Uder provided an update on the youth intervention programs. She discussed Woodburn Peer Court which is expected to launch in the fall of 2024 and the collaboration with Woodburn School District and Marion County to provide trainings.

Digital Budget Book – Senior Management Analyst Sherman provided a presentation on the City’s new digital budget book and walked the City Council through how to navigate it.

Car Show and Fiesta Coronation - Public Relations and Communications Manager Guerrero stated that the community came out for the car show and the Downtown Plaza was full. She added that the new Fiesta Queen Irene Rodriquez and First Princess Yatzil Morales were crowned.

COMMUNICATIONS

Mayor Lonergan noted that the City Council, as a whole, received a letter from citizen Ruth Wells a week ago and he let Miss Wells know that Council did receive it, and it will be passed on to the appropriate people within the City.

CONSENT AGENDA

- A. Woodburn City Council minutes of August 6, 2024,
- B. Building Activity for July 2024,
- C. Acceptance of Easement at 1703 NE Laurel Avenue (Tax Lot 051W17BD00104),
- D. Acceptance of Easements and Right of Way at 2951 Stacy Allison Way (Tax Lot 052W12C000604).

Schaub/Cornwell... approve the consent agenda. The motion passed unanimously.

COUNCIL BILL NO. 3258 - AN ORDINANCE ANNEXING APPROXIMATELY 1.43 ACRES OF TERRITORY KNOWN AS THE BROWN STREET PROPERTY AT 1025 BROWN STREET, MARION COUNTY, OREGON

Schaub introduced Council Bill No. 3258. City Recorder Pierson read the bill twice by title only since there were no objections from Council. Community Development Director Kerr provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Lonergan declared Council Bill No. 3258 duly passed.

COUNCIL BILL NO. 3259 - AN ORDINANCE DESIGNATING ZONING TO APPROXIMATELY 1.43 ACRES OF TERRITORY KNOWN AS THE BROWN STREET PROPERTY AT 1025 BROWN STREET, MARION COUNTY, OREGON AS RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT

Schaub introduced Council Bill No. 3259. City Recorder Pierson read the bill twice by title only since there were no objections from Council. Community Development Director Kerr provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Lonergan declared Council Bill No. 3259 duly passed.

COUNCIL BILL NO. 3260 - AN ORDINANCE REGULATING THE ENFORCEMENT OF VEHICLE PARKING WITHIN THE CITY OF WOODBURN; REPEALING ORDINANCES 1856, 1988, 2262, 2615, AND 2285 IN-PART; PROVIDING FOR VEHICLE TOWING AND IMPOUNDMENT PROCEDURES; AND CIVIL ENFORCEMENT

Schaub introduced Council Bill No. 3260. City Recorder Pierson read the bill twice by title only since there were no objections from Council. City Attorney Granum and Community Services Officer

COUNCIL MEETING MINUTES

AUGUST 12, 2024

Weathermon provided a staff report. Councilor Wilk stated his concerns about towing and the need to make sure people are educated on the rules. On roll call vote for final passage, the bill passed unanimously. Mayor Lonergan declared Council Bill No. 3260 duly passed.

COUNCIL BRIEFING OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR CHECK CASHING AND CASH TRANSFER SERVICES AT 405 N. 1ST STREET (CU 24-03)

The City Council declined to call this item up.

COUNCIL BRIEFING OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE, DESIGN REVIEW & PROPERTY LINE ADJUSTMENT CONSOLIDATED APPLICATION PACKAGE FOR A US MARKET GAS STATION, CONVENIENCE STORE AND CAR WASH AT 2115 MOLALLA RD (CU 24-01, DR 24-01, & PLA 24-02)

The City Council declined to call this item up.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported the following:

- Its Fiesta Week and the City expects a record turn-out and thanked City staff for their help with the event.
- Council is invited to ride on the fire truck in the parade on Saturday morning.
- Grand Marshall of the Fiesta is Congresswoman Salinas.

MAYOR AND COUNCIL REPORTS

Councilor Cantu thanked the Mayor and the chief and Scott, for coming by the National Night Out event in her neighborhood

Mayor Lonergan thanked the City for the Community BBQ. He added that there were 15 National Night Out events in Woodburn. He announced that there will not be a second meeting in August and the next meeting will take place on September 9th.

Councilor Wilk stated that he had the opportunity to get to know the Fiesta Court a little better and that they are an awesome group. He added that the car show was fantastic.

Councilor Schaub thanked the City for the Council BBQ and that she attended the National Night Out on her street.

COUNCIL MEETING MINUTES

AUGUST 12, 2024

Councilor Cornwell stated that she is looking forward to Fiesta. She added that she would like to celebrate the amount of people that volunteer in this community and make it a better place for us to live in.

EXECUTIVE SESSION

Mayor Lonergan entertained a motion to adjourn into executive session under the authority of ORS 192.660 (2)(e) and 192.660(2)(d). **Morris/Schaub...** move into executive session under the authority of ORS 192.660 (2)(e) and 192.660(2)(d). The motion passed unanimously. The Council adjourned into executive session at 9:07 p.m. and reconvened at 9:44 p.m. Mayor Lonergan stated that no action was taken by the Council while in executive session.

ADJOURNMENT

Morris/Schaub... move to adjourn. The motion passed unanimously. Mayor Lonergan adjourned the meeting at 9:44 p.m.

APPROVED _____
FRANK LONERGAN, MAYOR

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

**EXECUTIVE SESSION MINUTES
AUGUST 12, 2024**

DATE CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, AUGUST 12, 2024

CONVENED The meeting convened at 9:07 p.m. with Mayor Lonergan presiding.

ROLL CALL

Mayor Lonergan	Present
Councilor Cantu	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Wilk	Present
Councilor Morris	Present
Councilor Cabrales	Absent

Mayor Lonergan reminded Councilors and staff that information discussed in executive session is not to be discussed with the public.

The executive session was called: To conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS 192.660(2)(e).

Staff Present: City Administrator Derickson, City Attorney Granum, Finance Director Turley, Special Projects Director Wakely, Assistant City Administrator Row, Community Services Director Cuomo, Community Development Director Kerr, City Recorder Pierson

Others in attendance: Alex Rhoten

The executive session was called: To conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS 192.660(2)(d).

Staff Present: City Administrator Derickson, City Attorney Granum, Finance Director Turley, Assistant City Administrator Row, Human Resources Director Gregg, Police Chief Pilchers, City Recorder Pierson

Others in attendance: None.

ADJOURNMENT

The executive session adjourned at 9:42 p.m.

APPROVED _____
Frank Lonergan, Mayor

ATTEST _____
Heather Pierson, City Recorder



Agenda Item

September 9, 2024

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of Easement at 1600 Tomlin Avenue (Tax Lot 051W17BD06100)**

RECOMMENDATION:

Authorize the acceptance of one Public Utility Easement from Erika and Jorge Flores, for real property at 1600 Tomlin Avenue, and identified as Tax Lot 051W17BD06100.

BACKGROUND:

Per the conditions of the Type II Staff Report – Land Use Final Decision for the Flores Residence Project, dated January 12, 2024, the developer is required to grant a Public Utility Easement (PUE) to the City.

DISCUSSION:

The easement under consideration is summarized in the table below:

DEDICATED USE	LOCATION	APPROX. SIZE
Public Utility Easement	Tomlin Ave & Christiansen Ave frontage	1,120 sq. ft.

Woodburn Development Ordinance (WDO) section 3.02.01B requires a minimum five-foot wide PUE along each lot line abutting a public street. PUE's are reserved for the construction, reconstruction, operation, and maintenance of public utilities on private property.

FINANCIAL IMPACT:

There is no cost to the City for these easements.

Agenda Item Review: City Administrator City Attorney Finance

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Erika Flores and Jorge Flores GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Public Utilities on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is Zero Dollars (\$0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 9 day of August, 2024.

BY: Erika Flores

BY: Jorge Flores

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Marion) ss.

The foregoing instrument was acknowledged before me this 9th
day of August, 2024 by Jorge Flores and
Erika Flores



Liliane Menezes
NOTARY PUBLIC FOR OREGON
My Commission Expires: March 24, 2026

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 16, 2002
Leland A. MacDonald
53226

21 May 2024

Description of Real property for: Jorge Flores – Description of a 5 foot wide access and utilities easement.

An easement 5 feet in width, located in Section 17, Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, being a portion of Lot 11 of Block 2 of L. J. Plank Addition to the City of Woodburn, the perimeter of said easement being more particularly described as follows:

Beginning at an iron rod marking the southeast corner of said Lot 11, being a point on the westerly margin of Christiansen Avenue and 20.00 feet from the centerline thereof, when measured at right angles thereto; thence South 86°56'06" West 5.70 feet to a point on the south line of said Lot 11; thence leaving said south line North 25°38'00" East 120.90 feet; thence North 64°22'00" West 5.00 feet; thence North 25°38'00" East 5.00 feet to the beginning of a curve, concave to the southwest and having a radius of 20.00 feet; thence northwesterly 41.43 feet along said curve, the chord of which bears North 33°42'57" West 34.41 feet; thence South 86°56'06" West 53.03 feet to a point on the west line of said Lot 11; thence along said west line North 03°03'54" West 5.00 feet to an iron rod marking a point on the south margin of Tomlin Avenue that is 30.00 feet from the centerline thereof when measured at right angles thereto; thence along said south margin North 86°56'06" East 53.03 feet to an iron rod marking the beginning of a curve, concave to the southwest and having a radius of 25.00 feet; thence southeasterly 51.79 feet along said curve, the chord of which bears South 33°42'57" East 43.01 feet, to an iron rod; thence South 64°22'00" East 5.00 feet to an iron rod on the westerly margin of Christiansen Avenue at a point that is 20.00 feet from the centerline thereof when measured at right angles thereto; thence South 25°38'00" West 123.16 feet along said westerly margin to the POINT OF BEGINNING as shown on MCSR-_____.

The basis of bearing for this description is MCSR-_____

END DESCRIPTION

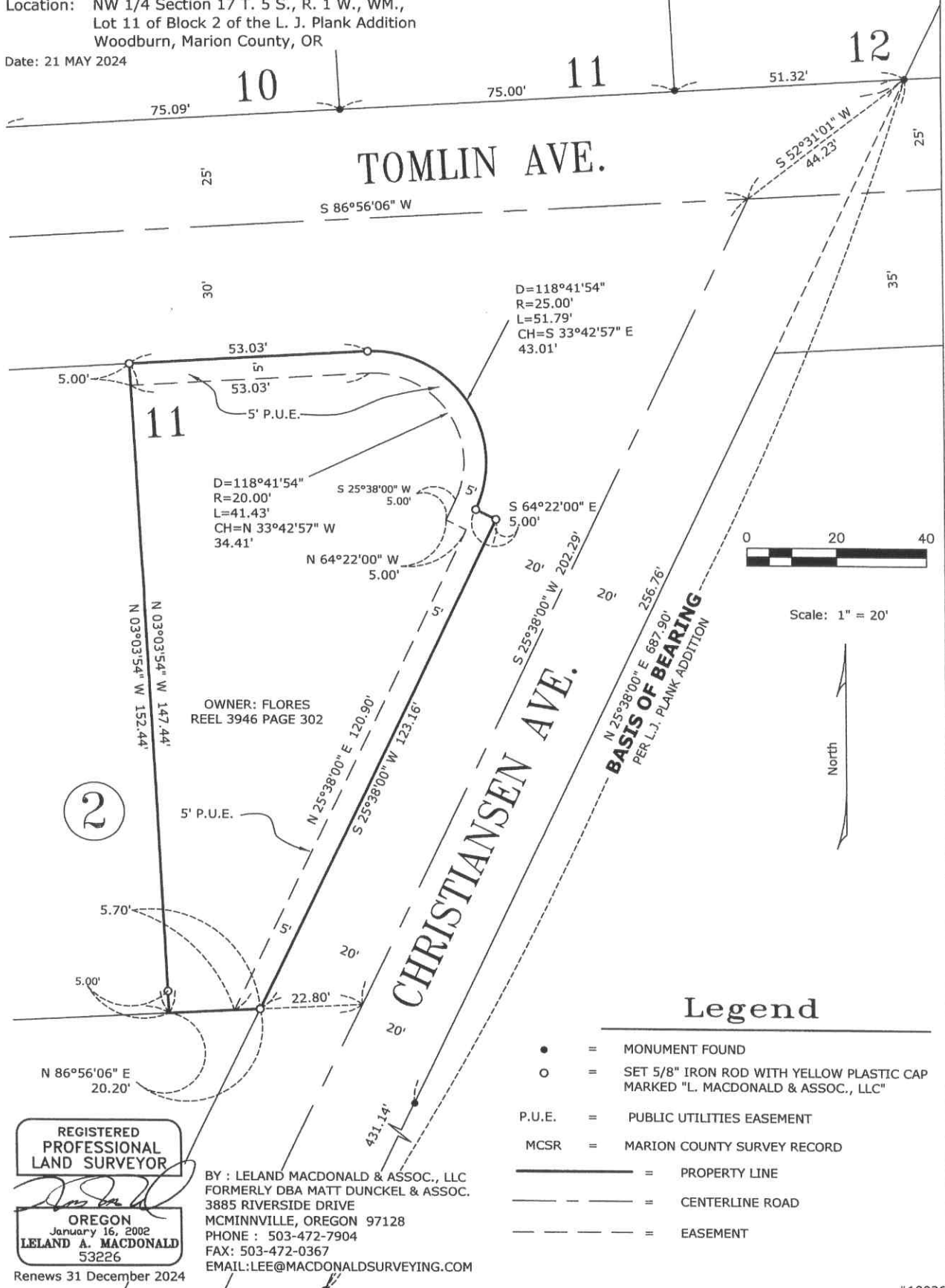
EXHIBIT MAP for : EXHIBIT "B"

JORGE FLORES

1

Location: NW 1/4 Section 17 T. 5 S., R. 1 W., WM.,
 Lot 11 of Block 2 of the L. J. Plank Addition
 Woodburn, Marion County, OR

Date: 21 MAY 2024



2

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 January 16, 2002
LELAND A. MACDONALD
 53226
 Renews 31 December 2024

BY : LELAND MACDONALD & ASSOC., LLC
 FORMERLY DBA MATT DUNCKEL & ASSOC.
 3885 RIVERSIDE DRIVE
 MCMINNVILLE, OREGON 97128
 PHONE : 503-472-7904
 FAX: 503-472-0367
 EMAIL: LEE@MACDONALDSURVEYING.COM

Legend

●	=	MONUMENT FOUND
○	=	SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "L. MACDONALD & ASSOC., LLC"
P.U.E.	=	PUBLIC UTILITIES EASEMENT
MCSR	=	MARION COUNTY SURVEY RECORD
—	=	PROPERTY LINE
- - -	=	CENTERLINE ROAD
- - - - -	=	EASEMENT

#10036



Agenda Item

September 9, 2024

TO: Honorable Mayor and City Council through City Administrator
THRU: Marty Pilcher, Chief of Police
FROM: Keith Kimberlin, Lieutenant
SUBJECT: **Liquor License Application for Restaurante and Cantina Los Dos Compas En Casa Marquez**

RECOMMENDATION:

The Woodburn City Council recommends that the OLCC does not approve the Liquor License Application for Restaurante and Cantina Los Dos Compas En Casa Marquez Woodburn, Oregon.

BACKGROUND:

Applicant: Alfredo Paniagua Fernandez
765 S. Pacific Highway #5
Woodburn, OR 97071
971-216-2632

Point of Contact: Luis Fernando Paniagua Fernandez
765 NS. Pacific Highway #5
Woodburn, OR 97071
971-216-2632

Business: Restaurant and Cantina Los Dos Compos En Casa Marquez LLC
553 Front Street
Woodburn, OR 97071
971-216-2590

Owner(s): Luis Fernando Paniagua Fernandez
971-261-2590

Agenda Item Review: City Administrator City Attorney Finance

License Type(s):

Full On-Premises, Commercial - May sell and serve distilled spirits, malt beverages, wine, and cider for consumption at the business location. May sell malt beverages for off-site consumption in securely covered containers provided by the customer. May sell cocktails and wine to-go in sealed containers as of June 11, 2021. Food service required. Must purchase distilled liquor only from an Oregon Liquor store, or from another full On-Premises Sales licensee who has purchased the distilled liquor from an Oregon Liquor store.

On July 30, 2024, the Woodburn Police Department received an application for Full On-Premises commercial sales for Restaurant and Cantina Los Dos Compos En Casa Marquez LLC. The business is opening as a new Restaurant and Bar. The seating capacity is 34 for the entire location. The business license shows Luis as the registered owner as of June 10, 2024, and on July 30, 2024, he added Alfredo Paniagua Fernandez as a member, which is the same day he turned in this application.

The hours of operation are 10AM to 8PM Tuesday thru Sunday, and closed on Monday. The only noted entertainment will be for recorded music at the location. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

DISCUSSION:

The Police Department has completed a background investigation of Restaurant and Cantina Los Dos Compos En Casa Marquez LLC., and the listed owner, Luis Fernando Fernandez-Paniagua, through various police databases and business-related databases. Luis has a suspended driver license in Oregon, and had a DUI in 2021, in which Woodburn Police arrested him for a BAC of .11. He had also crashed his truck during the incident and was cited for Reckless Driving. Luis was under the drinking age at the time of the incident. In 2022 Luis had his vehicle involved in a hit and run (22-11326) in which empty beer bottles were found in his truck after it had run over a fire hydrant and was left in the middle of the road with airbags deployed. Luis was later found at home intoxicated, but would not admit to driving the vehicle or say who was. Alfredo Paniagua Fernandez has a valid Oregon drivers license, and no criminal records were found.

The location is currently ran as a restaurant and bar with a similar name, but different owner listed. Police have responded to that location four times over

the last year. One of the times an intoxicated customer had broken out a window (23-13131). Another time an intoxicated customer bit a female and smashed her phone (23-11369). Another incident involved a known female gang affiliate in which a gun was pulled out (24-2638). The last incident was just an argument inside the bar area, but nothing physical (24-8905).

I previously contacted Luis Fernandez-Paniagua about the business, and he stated that he is buying out the business, as the previous owners are leaving the area. Luis turned in a previous application and failed to appear for his hearing about the license in early July of 2024. He then turned in this application under Alfredo, who appears to be a family member and uses the same address as Luis.

FINANCIAL IMPACT:

None

Attachments

Findings of Fact with Exhibits

Findings Supporting the City of Woodburn’s Local Government Recommendation that OLCC deny the Liquor License Application for Restaurante and Cantina Los Dos Compos En Casa Marquez LLC for Licensed Premises at 553 N. Front Street, Woodburn, Oregon.

FINDINGS OF FACT

Nature of the Application

- A. On July 22, 2024, the Woodburn City Council held a public hearing and based on documented Findings voted to recommend to OLCC that it deny a liquor license application for Restaurante and Cantina Los Dos Compos En Casa Marquez LLC, submitted and filed by Luis Fernando Paniagua Fernandez (the “Previous Applicant”).
- B. Then on July 30, 2024, the City of Woodburn (“City”), through the Woodburn Police Department, received a subsequent liquor license application (“Application”) from Restaurante and Cantina Los Dos Compos En Casa Marquez LLC, this time submitted and filed by Alfredo Paniagua Fernandez (the “Applicant”).
- C. The Applicant is seeking a local government recommendation from the City, as is required by law.
- D. The Application is for a “Full On-Premises, Commercial” license. This would allow the Applicant to sell and serve distilled spirits, malt beverages, wine, and cider for consumption at the business location; to sell malt beverages for off-site consumption in securely covered containers provided by the customer; and to sell cocktails and wine to-go in sealed containers with food service required.
- E. The licensed premises would still be located at 553 N. Front Street, in the center of downtown Woodburn.
- F. The general operations of the Applicant’s business are also proposed to be the same as the Previous Applicant:
 - a. The hours of operation would be 10 a.m. to 8 p.m., Tuesday – Sunday (closed Monday).
 - b. Entertainment at the premises would include recorded music.
 - c. The business would have seating for 34 patrons and no outside seating.

(See Exhibit 1)

- G. Luis Fernando Paniagua Fernandez remains listed as the registered owner of Restaurante and Cantina Los Dos Compos En Casa Marquez LLC; Alfredo Paniagua Fernandez was added as an owner/member of the business on July 30, 2024, the same day that the new liquor license application was submitted to the City. The two individuals appear to be family members and use the same residential address.

- H. While Alfredo Paniagua Fernandez has no criminal history record, as noted in the City’s review of the Previous Applicant, Luis Fernando Paniagua Fernandez does have an arrest for DUII in November 2021. Additional findings related to the Previous Applicant and the business location are outlined below.

Prior Applicant’s History with Alcohol & Issues of Trustworthiness

- A. Luis Fernando Paniagua-Fernandez was arrested and charged with a DUII with a BAC fail in November 2021. At the time of Mr. Paniagua-Fernandez’s arrest, he was just eighteen (18) years old. (See Exhibit 2)
- B. As part of the disposition of his DUII charge, Luis Fernando Paniagua-Fernandez completed a DUII diversion program through Marion County correctional services, which concluded in January 2023. (See Exhibit 3)
- C. In September 2022, Luis Fernando Paniagua-Fernandez’s vehicle was involved in a crash hit and run wherein an unidentified driver failed to report the incident and fled the scene and the crashed vehicle before police were able to arrive. The vehicle was located by police showing significant damage and deployed airbags after it appeared to have hit a number of street trees and a fire hydrant along Kirksey Street in Woodburn. Several empty beer bottles were also located inside the vehicle. When Mr. Paniagua-Fernandez was contact by police in the immediate hours following the incident, he denied being the operator of the vehicle, but he could not explain where his car was or why it was not in his driveway. While no citations or charges were filed against Mr. Paniagua-Fernandez as a result of that incident, it was noted in the police report that Mr. Paniagua-Fernandez appeared to be in street clothes at the time police contact him, even though he claimed to have been sleeping, and he had a strong odor of alcohol emanating from his person when he was talking with the responding police officer. (See Exhibit 4)

Proposed Licensed Premises Location & Problematic History

- A. The site of the proposed licensed premises is located at 355 North Front Street in downtown Woodburn.
- B. Downtown Woodburn is an area of the City that has a history of persistent problems with unlawful activities involving drugs and alcohol. (See Exhibit 5)
- C. OLCC records show that there are already 13 licensed premises in the Woodburn downtown (See Exhibit 6).
- D. This second application for Restaurante and Cantina Los Dos Compos En Casa Marquez LLC has now been submitted as a “Change in Ownership,” as the physical business location has been run as a restaurant and bar with a similar name for many years (“Casa Marquez Mexican Grill & Cocktail”). Police have responded to that location four times over the last year due to problems involving disturbances and unlawful activities in the premises or by patrons in the immediate vicinity of the premises. Below is a summary of each incident:

- Case No. 2023-00008905, Criminal Mischief III (Vandalism): Reported disturbance that started in the bar and resulted in a bottle being thrown at a vehicle outside the business (July 2023). (See Exhibit 7)
- Case No. 2023-00011369, Assault IV, Criminal Mischief I (Crime Damage): Report of domestic disturbance inside the business location that included a reported assault of another patron (September 2023). (See Exhibit 8)
- Case No. 2023-00013131, Criminal Mischief II (Vandalism): Report of a very intoxicated individual that was refused further service and then broke the window of the business (October 2023). (See Exhibit 9)
- Case No. 2024-0002638, Menacing, Unlawful Use of Weapon: Report of a disturbance in the bar that included an aggressive confrontation and later a patron following another out of the bar and producing a handgun (March 2024). (See Exhibit 10)¹

E. Applicant has no prior relevant experience in operating a licensed premise.

APPLICABLE LAW

A. OAR 845-005-0308 – Valid Bases for Adverse Local Government Recommendation

(3) For the unfavorable recommendation of a local governing body to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0325, or 845-005-326, or the license restrictions bases of 845-005-0355, and must be supported by reliable factual information.

B. ORS 471.313 – Grounds for Refusing to Issue License or for Issuing Restricted License

The Oregon Liquor and Cannabis Commission may refuse to issue a license, or may issue a restricted license, to any applicant under the provisions of this Chapter if the commission has reasonable ground to believe any of the following to be true:

(1) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. . . .

* * *

(4) That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.

* * *

¹ Exhibits 8-10 are provided in an abbreviated redacted format pursuant to Oregon Public Records Law exemptions ORS 192.345(1) and (3).

(f) Is not of good repute or moral character.

* * *

(5) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licenses or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. . . .

C. OAR 845-005-0325 – License Refusal Reasons: Applicant Qualifications

The Commission may refuse to license an applicant if any of the criteria in this rule apply.

* * *

(4) The applicant has a recent history or record of using alcohol or controlled substances to excess.

D. OAR 845-005-0326 – License Not Demanded by Public Interest or Convenience

ORS 471.313(1) allows the Commission to deny a license that public interest or convenience does not demand. The following are some of the public interest or convenience reasons for which the Commission may deny a license unless the applicant shows good cause to overcome the criteria.

(3) Problem Areas:

(a) The licensed premises will be located in an area that has a history of serious or persistent problems with unlawful activities, noise or disturbances. These problems need not be alcohol-related.

CONCLUSION

- A. The City Council’s unfavorable local government recommendation is based on the license refusal bases of ORS 471.313(4), 471.313(5), 845-005-0325, and 845-005-326 and is supported by reliable factual information.
- B. The Prior Applicant, Luis Fernando Paniagua-Fernandez, failed to appear at the public hearing held for consideration of the previous liquor license application for Restaurante and Cantina Los Dos Compos En Casa Marquez LLC. Then eight days following the City Council’s denial recommendation, Alfredo Paniagua Fernandez was added as a member

of the LLC and a new liquor license application for the business was submitted to the City under his name.

- C. Given the timing of the addition of Alfredo Paniagua Fernandez as a member of the Applicant business and the submittal of the second liquor license application for Restaurante and Cantina Los Dos Compos En Casa Marquez LLC, and given that the Prior Applicant, Luis Fernando Paniagua-Fernandez is still listed as an owner of the business and is a close relation and/or family member of Alfredo Paniagua Fernandez, the City finds it reasonable to review the history of both individuals and consider the location and history of the business as part of its recommendation procedure for this application.
- D. The City has received no information to indicate that Luis Fernando Paniagua-Fernandez will not otherwise be involved in the management and day-to-day operation of Restaurante and Cantina Los Dos Compos En Casa Marquez LLC.
- E. Luis Fernando Paniagua-Fernandez was recently arrested for DUII in late 2021 when he was just eighteen years old. In a second encounter with police less than a year later (September 2022), while he was still under supervision with Marion County Corrections, and following a crash involving his vehicle, the Mr. Paniagua-Fernandez was again observed as being under the influence of alcohol. Accordingly, given this recent history of an underaged individual using alcohol to excess, OLCC should find that the Applicant's liquor license is not in the public's interest and the Application should be denied.
- F. During the incident in September 2022 involving Luis Fernando Paniagua-Fernandez's vehicle being involved in a crash hit and run, he was considered by Woodburn police officers to be less than truthful, candid, or forthright concerning his whereabouts during the incident or the status of his vehicle. While Mr. Paniagua-Fernandez would not admit to being the operator of the vehicle, it remains troubling that the involved vehicle was registered in his name and he could not account for the whereabouts of his vehicle or why it was not in the driveway of his residence. When being questioned by Woodburn police, Mr. Paniagua-Fernandez was also observed as being in street clothes when he had allegedly just been sleeping and he had a strong odor commonly associated with that of an alcoholic beverage emanating from his person. Accordingly, given the heightened concern about Mr. Paniagua-Fernandez's past behavior and lack of cooperation and candor with local law enforcement, OLCC should find that the Applicant's liquor license is not in the public's interest and the Application should be denied.
- G. OLCC has a statutory authority to refuse a liquor license where there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Based on police records for the location of the proposed licensed premises, there have been at least four troubling calls for service with associated criminal activity at this location in the past year. Incidents have included assault, vandalism,

menacing, and unlawful use of a weapon (See Exhibits 7-10). Accordingly, since there has been this history of serious and persistent problems at the premise location, the Application should be denied.

- H. The proposed licensed premises, located at 355 North Front Street, is in the heart of downtown Woodburn. Despite extensive efforts by the City to improve and enhance the quality of life downtown for all Woodburn residents, the downtown area still has a history of persistent problems with unlawful activities involving drugs, alcohol, and other crimes. This is well documented by Woodburn Police Department records (See Exhibit 5).

Under OAR 845-005-0326(3), the burden is on the Applicant to show that alcoholic beverage sale or service will not contribute to further downtown problems and the Applicant has not done this. Furthermore, Applicant has no prior relevant experience operating a licensed premise.

- I. OLCC has a statutory authority to refuse a liquor license where it determines that there are already sufficient licensed premises in the locality set out in the application. Based on OLCC's records, there are currently 13 licensed premises in the Woodburn downtown core (See Exhibit 6). Accordingly, since there are already sufficient licensed premises in the Woodburn downtown, the Application should be denied.
- J. Accordingly, the City Council's local government recommendation to deny the liquor license for Restaurante and Cantina Los Dos Compos En Casa Marquez LLC, which is pending before OLCC, is valid and supported by these findings, and OLCC should deny the Restaurante and Cantina Los Dos Compos En Casa Marquez LLC liquor license.

LIQUOR LICENSE APPLICATION

City of Woodburn - 270 Montgomery St.
 Receipt #: 2025-00007116
 From: RESTAURANTE AND CANTINA LOS DOS C
 EN CASA MARQUEZ-LIQUOR
 07/30/2024 2:41:08 PM

Page 1 of 4

Check the appropriate license request option:

New Outlet | Change of Ownership | Greater Privilege | Adc

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

3219 - Other Licenses	100.00
Receipt Total	100.00
Total Charge	100.00
Total Remitted	100.00
Total Received	100.00

Thank you for your payment!

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT
 After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)
City of Woodburn
270 Montgomery St.
Woodburn, OR, 97071

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received: **RECEIVED JUL 30 2024** *AG*

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

Restaurante And Cantina los dos compas en casa Marquez LLC

Trade Name

*Restaurante and Cantina Los Dos
 Compas en casa Marquez LLC*

Exhibit 1

Page 1 of 26



OREGON LIQUOR & CANNABIS COMMISSION
LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city’s limits, the local government is the city.
 - If the premises street address is not within a city’s limits, the local government is the county.
3. You can submit the application to the OLCC if:
 1. You have **WRITTEN** documentation showing the date the local government received the application or;
 2. The local government has provided you their recommendation.

ALL forms and documents must be a PDF attachment

4. **Email the PDF application that contains the local government recommendation or proof of submission to: OLCC.LiquorLicenseApplication@oregon.gov.**
5. **Do not include any license fees with your application packet (fees will be collected at a later time).**
When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet**: The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership**: The request to completely change the licensee of record at a licensed business.
- **Greater Privilege**: The request to change from an Off-Premises to a Limited or Full On-Premises Sales license **OR** from a Limited to Full On-Premises Sales license.
- **Additional Privilege**: The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of “applicant” and “licensee” and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the **Authorized Representative Form** designating a person/entity to act on your behalf and submit with the application.

Exhibit 1

Page 2 of 26

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: Alfredo Paniagua Fernandez	Name of entity or individual applicant #2: Restaurante And Cantina los dos compas en casa Marquez LLC
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): Restaurante And Cantina los dos compas en casa Marquez LLC		
Premises street address (The physical location of the business and where the liquor license will be posted): 553 N Front st		
City: Woodburn	Zip Code: 97071	County: Marion
Business phone number: 971 216 2632	Business email: [REDACTED]	
Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]): 553 N Front st		
City: Woodburn	State: OR	Zip Code: 97071
Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.	
Application Contact Name: Alfredo Paniagua Fernandez	
Phone number: [REDACTED]	Email: [REDACTED]

LIQUOR LICENSE APPLICATION

Page 3 of 4

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

Exhibit 1

Page 4 of 26

Restaurante And Cantina los dos compas en casa Marquez LLC

OLCC Liquor License Application (Rev. 10.25.23)


LIQUOR LICENSE APPLICATION

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

- Each applicant listed in the “Application Information” section of this form has read and understands OLCC 845-006-0362 and attests that:
 1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
 2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Alfredo Paniagua Fernandez		07/29/2024
Applicant name	Signature	Date
Applicant name	Signature	Date
Applicant name	Signature	Date
Applicant name	Signature	Date

Applicant/Licensee Representative(s): If you would like to designate a person/entity to act on your behalf you must complete the Authorized Representative Form. You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.

Exhibit 1

Page 5 of 26



OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Alfredo Paniagua Fernandez Phone: [REDACTED]

Trade Name (dba): RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Business Location Address: 553 N Front st

City: Woodburn ZIP Code: 97071

DAYS AND HOURS OF OPERATION

Business Hours:	Outdoor Area Hours:	The outdoor area is used for:
Sunday ¹⁰ _____ to ⁸ _____	Sunday _____ to _____	<input type="checkbox"/> Food service Hours: _____ to _____
Monday ^{closed} _____ to _____	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: _____ to _____
Tuesday ¹⁰ _____ to ⁸ _____	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday ¹⁰ _____ to ⁸ _____	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Permittees.
Thursday ¹⁰ _____ to ⁸ _____	Thursday _____ to _____	
Friday ¹⁰ _____ to ⁸ _____	Friday _____ to _____	
Saturday ¹⁰ _____ to ⁸ _____	Saturday _____ to _____	_____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check ALL that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing Nude Dancing
- Live Entertainment
- Minor Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: 34 Outdoor: 0 Lounge: 0
 Banquet: 0 Other (explain): 0 Total Seating: 0

OLCC USE ONLY
 Investigator Verified Seating: ____ (Y) ____ (N)
 Investigator Initials: _____
 Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [REDACTED] Date: 7.29.24 Exhibit 1
 www.oregon.gov/olcc Page 6 of 26
 Rev. 2.1.23



OREGON LIQUOR & CANNABIS COMMISSION INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Fernandez Paniagua Last	Alfredo First	Middle	
2. Other names used (maiden, other):				
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]				
SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below. Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a)).				
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>				
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)	
6. Driver License or State ID #: [REDACTED]			7. State OR	
8. Contact Phone: [REDACTED]				
9. E-mail Address: [REDACTED]				
10. Mailing Address:	765 S Pacific Hwy Unit 5 (Number and Street)	Woodburn (City)	OR (State)	97071 (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.				



OREGON LIQUOR & CANNABIS COMMISSION **INDIVIDUAL HISTORY FORM**

WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form.
- A corporation is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form and you are:
 - President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
 - A Director with 3% or more voting stock.
 - An individual who owns 20% or more of issued stock.
- A limited liability company (LLC) is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form and you are:
 - A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
 - A Member who owns 20% or more of the membership.
 - An Officer (such as a President or Secretary) with responsibilities over the operation of the business.

You must work with the OLCC to determine who must complete this form if you are:

- Part of an entity *other than* a corporation or LLC that is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form, or
- Part of an entity that owns 10% or more of an entity listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form.

IN ADDITION, THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THERE IS REASON TO BELIEVE IT MAY HELP THE OLCC IN ITS INVESTIGATION.



OREGON LIQUOR & CANNABIS COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Fernandez Paniagua Last	Alfredo First	Middle
Signature:			Date: 07/29/2024

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



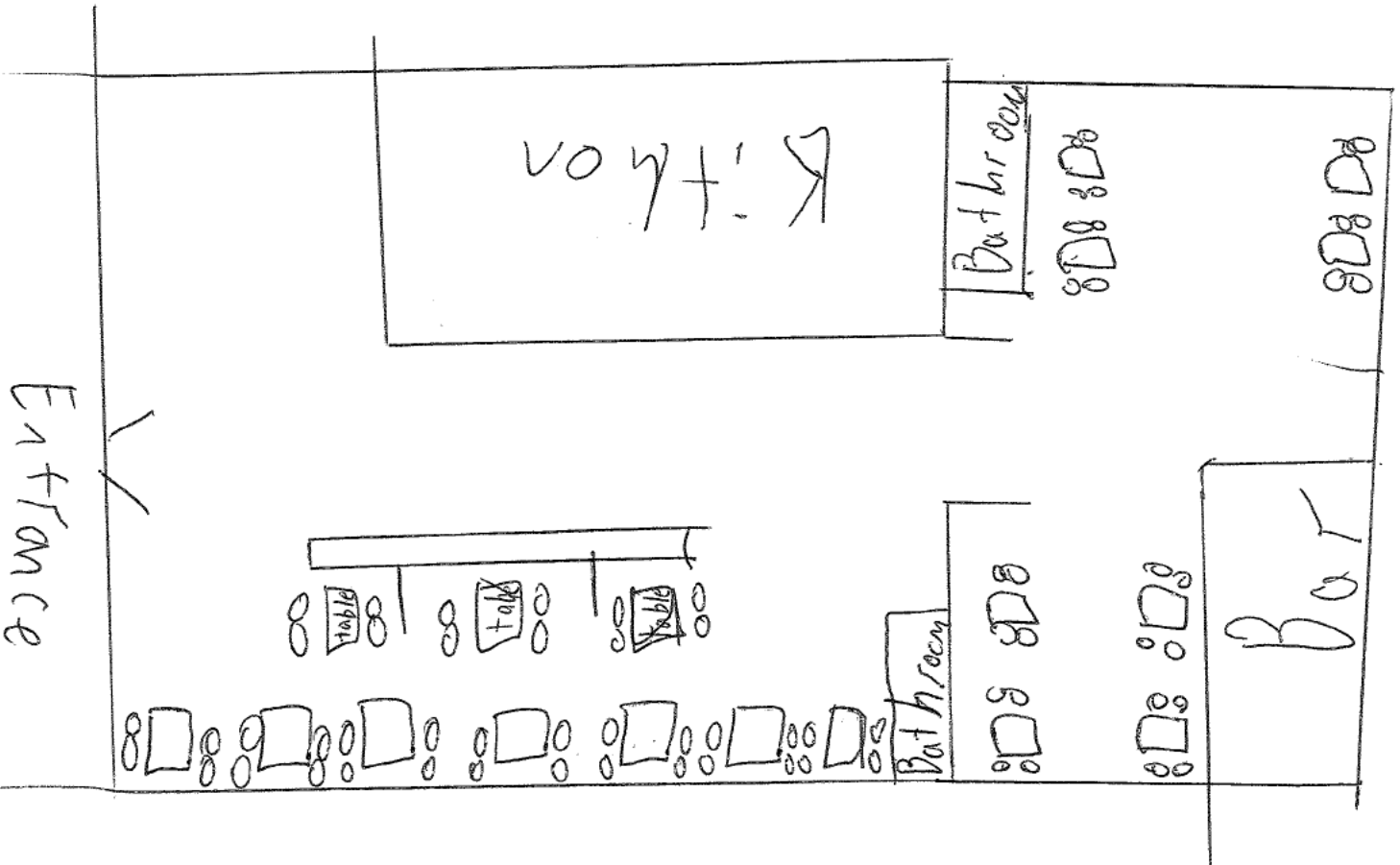
OREGON LIQUOR & CANNABIS COMMISSION FLOOR PLAN FORM

Your floor plan must be submitted on this form

RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Applicant Name Alfredo Paniagua Fernandez

Trade Name (dba)



.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)



Date: 07/30/2024 Initials: AP Exhibit 1
Page 10 of 26

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, STATE OF OREGON

NO. _____

In the Matter of the Application of

For a recommendation regarding the
application to the Oregon Liquor
Control Commission for

RECOMMENDATION

This matter coming before the Board of County Commissioners on the application of

_____ for a recommendation to the Oregon
Liquor Control Commission under the provisions of ORS 471.166; and the Board having referred
said application to the Sheriff of Marion County, Oregon, and having the report of said Sheriff that
the applicant has not been convicted of a crime involving a violation of the liquor control laws, or
the gambling laws, or of crimes involving moral turpitude, and that the applicant is of good moral
character, a citizen of the United States of America, and otherwise qualified to be licensed under
the Oregon Liquor Control Act;

IT IS, THEREFORE RECOMMENDED TO THE OREGON LIQUOR CONTROL COMMISSION
that the application of the above be refused _____ granted _____.

Dated at Salem, Marion County, Oregon this ____ day of _____, 20 ____.

_____ County Commissioner

_____ County Commissioner

_____ County Commissioner

Approved by _____
County Sheriff

Name of Licensee	Home Address	Date of Birth
Alfredo Paniagua Fernandez	553 N Front st Woodburn OR 97071	██████████
Name of Business	Address of Business	
Restaurante & Cantina Los Dos Compas en Casa Marquez LLC	553 N Front st Woodburn OR 97071	
Managing Agent	Home Address	Date of Birth
Alfredo Paniagua Fernandez	553 N Front st Woodburn OR 97071	██████████
I, <u>Alfredo Paniagua Fernandez</u> , will operate my establishment according to the statues and rules of the OLCC. I authorize Marion County to conduct background checks, including criminal history checks. I also agree to cooperate with agencies of Marion County in reviewing this application.		
Date:	07/29/2024	██████████
	Applicant's signature	

Exhibit 1
Page 11 of 26

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

New Outlet | Change of Ownership | Greater Privilege | Ad

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

City of Woodburn - 270 Montgomery St.
 Receipt #: 2024-00089502
 From: RESTAURANTE AND CANTINA LOS DOS C
 EN CASA MARQUEZ-LIQUOR
 06/11/2024 4:12:52 PM

3219 - Other Licenses	100.00
Receipt Total	100.00
Total Charge	100.00
Total Remitted	100.00
Total Received	100.00

Thank you for your payment!

Customer Copy

LOCAL GOVERNMENT

After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below.

Name of City OR County (not both)

City of Woodburn
 270 Montgomery St.
 Woodburn, OR 97071

Please make sure the name of the Local Government is printed legibly or stamped below.

Date application received:

Optional: Date Stamp Received Below

- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

Printed Name

Date

Signature

RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Trade Name

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: Luis Fernando Paniagua Fernandez	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC		
Premises street address (The physical location of the business and where the liquor license will be posted): 553 N Front st		
City: Woodburn	Zip Code: 97071	County: marion
Business phone number: 971 216 2590	Business email: [REDACTED]	
Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]): 765 S pacific hwy Unit 5		
City: Woodburn	State: OR	Zip Code: 97071
Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.	
Application Contact Name: Luis Fernando Paniagua Fernandez	
Phone number: [REDACTED]	Email: [REDACTED]

LIQUOR LICENSE APPLICATION

Page 3 of 4

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

Exhibit 1

RESTAURANTE AND CANTINA LLC DBA COMPAS EN CASA MARIQUEZ LLC

Page 14 of 26

EXHIBIT 1

Page 3 of 12

LIQUOR LICENSE APPLICATION

RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Page 4 of 4

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

• Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Luis Fernando Paniagua Fernandez



06/10/2024

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant/Licensee Representative(s): If you would like to designate a person/entity to act on your behalf you must complete the Authorized Representative Form. You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.

Exhibit 1

Page 15 of 26

EXHIBIT 1

Page 4 of 12



OREGON LIQUOR & CANNABIS COMMISSION INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Fernandez Paniagua Last	Luis First	Fernando Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #: [REDACTED]			7. State OR
8. Contact Phone: [REDACTED]			
9. E-mail Address: [REDACTED]			
10. Mailing Address:	765 S Pacific Hwy Unit 5 (Number and Street)	Woodburn (City)	OR 9707 (State) (Zip Code)
<p>11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?</p> <p>No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.</p>			



OREGON LIQUOR & CANNABIS COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Fernandez Paniagua Last	Luis First	Fernando Middle
Signature:	<i>Luis P.</i>		Date: 06/10/2024

This box for OLCC use ONLY

_____ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

Exhibit 1



OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Luis Fernando Paniagua Fernandez Phone: [REDACTED]

Trade Name (dba): RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Business Location Address: 553 N Front st

City: Woodburn ZIP Code: 97071

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 10 to 8
Monday closed to _____
Tuesday 10 to 8
Wednesday 10 to 8
Thursday 10 to 8
Friday 10 to 8
Saturday 10 to 8

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

- Food service Hours: _____ to _____
- Alcohol service Hours: _____ to _____
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check ALL that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing Nude Dancing
- Live Entertainment
- Minor Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: 34 Outdoor: 0 Lounge: 0
Banquet: 0 Other (explain): 0 Total Seating: 0

OLCC USE ONLY
Investigator Verified Seating: _____ (Y) _____ (N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Luis A.

Exhibit 1
Date: 06/10/2022 Page 18 of 26



FULL ON-PREMISES, COMMERCIAL (F-COM)
FULL ON-PREMISES, FOR-PROFIT PRIVATE CLUB (F-FPC)
FOOD SERVICE AFFIRMATION

Applicant / Licensee Luis Fernando Paniagua Fernandez

Trade Name of the Business (Name Customers Will See)
RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Business Address _____
(Number, Street Address, City, and Zip Code)

I affirm that I have read OAR 845-006-0459, OAR 845-006-0460, and OAR 845-006-0466 and

I affirm:

- I understand that "meal" means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
- I understand that "dining seats" means seating at tables or food counters as defined in OAR 845-006-0340(2)(j) located in areas of the licensed premises regularly open to the public where the Commission determines that each table top or seating area provides a minimum space that will accommodate a place setting consisting of a plate or dish, glassware, napkin and utensils for each seat. Seats at counters in entertainment areas and at bars as defined in OAR 845-006-0340 do not qualify as dining seating.
- I will have at least 30 dining seats during a time period which must last at least two hours prior to 10:00 p.m.
- I will make at least five different meals available at all times and in all areas where alcohol service is available. However, I may make fewer than five different meals available if the OLCC has determined that the clearly dominant emphasis in the areas with alcoholic beverage service is food service.
- I will always have a food preparation area and equipment on my licensed premises that are adequate to meet the food service requirements of this license.
- I am authorized to sign this form on behalf of the applicant or licensee.

Name (print) Luis Fernando Paniagua Fernandez Date 06/10/2024

Signature 



Oregon Liquor & Cannabis Commission

LIMITED LIABILITY COMPANY (LLC) QUESTIONNAIRE

PRINT FORM

RESET FORM

LLC Name RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Trade Name of Business (Name Customers Will See) _____

The LLC named in this document is a (see page 1 for definitions): Manager-Managed LLC Member-Managed LLC

This section is ONLY for a manager-managed LLC. (Directions on page 1. You may include information on a separate sheet.)

Name of Managing Member (please print)	Name of Managing Member (please print)
Luis Fernando Paniagua Fernandez	

This section is for BOTH a manager-managed LLC and a member-managed LLC. (Directions on page 1. You may include information on a separate sheet.)

Name of Member (please print)	Percentage of issued membership held

This section is ONLY for an LLC with the listed officers. (Directions on page 1. You may include information on a separate sheet.)

Title	Name (please print)
President	
Secretary	
Treasurer	
Vice president with responsibility over the operation of the business	

SERVER EDUCATION DESIGNEE (Directions on page 1)

Name (please print)	Date of Birth
Luis Fernando Paniagua Fernandez	██████████

SIGNATURE (Directions on page 1)

NAME of Signing Person (please type or print) Luis Paniagua

[Signature] DATE 06/10/2024

SIGNATURE of signing person (may electronically sign)

This box for OLCC use ONLY

Does the entity hold, or has it ever held, an OLCC-issued liquor license? _____



OREGON LIQUOR & CANNABIS COMMISSION FLOOR PLAN

INSTRUCTIONS

1. Your floor plan **MUST** be submitted on the Floor Plan Form below
2. Use a separate Floor Plan Form for each level or floor of the building. The floor plan(s) must show the specific areas of your premises.
3. Label areas i.e. dining area, bar, lounge, lottery, outside patio and sidewalk cafe areas.
4. Food Counters should be labeled as such, and not as a Bar. At a Food Counter, food service/consumption is the predominant activity. At a Bar, alcohol service/consumption is the predominant activity. Please label Food Counters and Bars accordingly.
5. Include all tables and chairs. (See Example below)
6. If you have an outdoor area, please show it in reference to the licensed building.
7. If you have sidewalk seating please contact your local government to see if a permit is required for use.
8. If this is a Food Cart Pod please label the floor plan where the alcohol will be served from, where food will be served, where the seating will be and any other food carts that are in the pod.

Please do not use complex architect drawings as your floor plan, unless they are clearly readable and show all the tables and chairs.

RESTAURANT EXAMPLE

OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

Your floor plan must be submitted on this form

My Restaurant LLC

Applicant Name

My Restaurant

Trade Name (Optional)

Example:

.....OLCC USE ONLY.....
 BEFORE POSTING ASSIGNMENT (12)

Date: _____ Initial: _____

(Rev. 02/22)

FOOD CART POD EXAMPLE

OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

Your floor plan must be submitted on this form

Food Carts LLC

Applicant Name

Everyday Food Cart Pod

Trade Name (Optional)

Entrance

.....OLCC USE ONLY.....
 BEFORE POSTING ASSIGNMENT (12)

Date: _____ Initial: _____

(Rev. 02/22)



OREGON LIQUOR & CANNABIS COMMISSION

FLOOR PLAN FORM

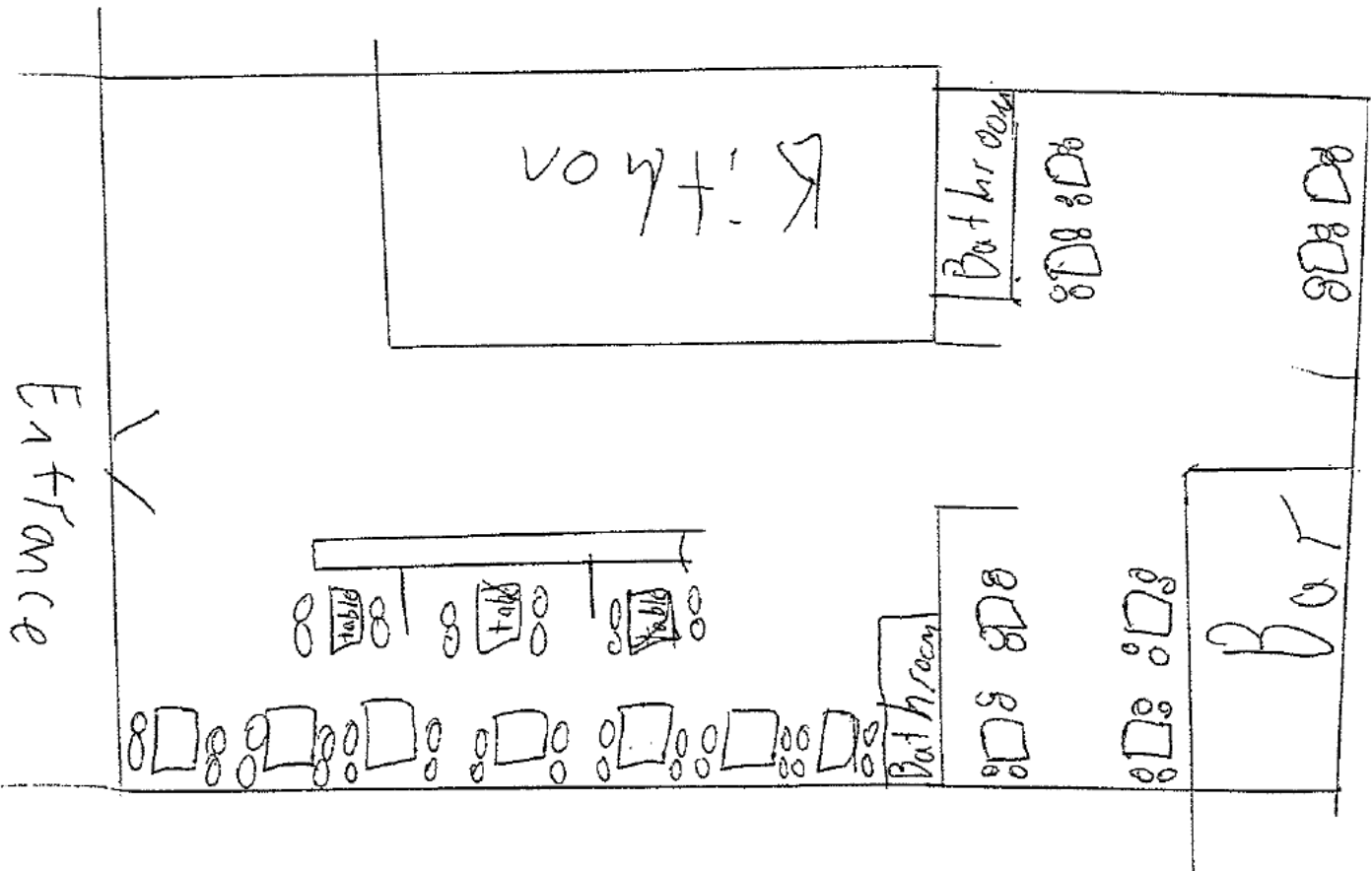
Your floor plan must be submitted on this form

Luis Fernando Paniagua Fernandez

RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC

Applicant Name

Trade Name (dba)



.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

hust

Date:

06/10/24

Exhibit 1

Page 22 of 26

Initials: *hust*

EXHIBIT 1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, STATE OF OREGON

NO. _____

In the Matter of the Application of

For a recommendation regarding the
application to the Oregon Liquor
Control Commission for

RECOMMENDATION

This matter coming before the Board of County Commissioners on the application of

_____ for a recommendation to the Oregon
Liquor Control Commission under the provisions of ORS 471.166; and the Board having referred
said application to the Sheriff of Marion County, Oregon, and having the report of said Sheriff that
the applicant has not been convicted of a crime involving a violation of the liquor control laws, or
the gambling laws, or of crimes involving moral turpitude, and that the applicant is of good moral
character, a citizen of the United States of America, and otherwise qualified to be licensed under
the Oregon Liquor Control Act;

IT IS, THEREFORE RECOMMENDED TO THE OREGON LIQUOR CONTROL COMMISSION
that the application of the above be refused _____ granted _____.


Dated at Salem, Marion County, Oregon this _____ day of _____, 20 _____.

_____ County Commissioner

_____ County Commissioner

_____ County Commissioner

Approved by _____
County Sheriff

Name of Licensee	Home Address	Date of Birth
Luis Fernando Paniagua Fernandez	765 S.pacific hwy unit 5 Woodburn OR 97071	██████████
Name of Business	Address of Business	
RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC	553 N Front st Woodburn OR 97071	
Managing Agent	Home Address	Date of Birth
Luis Fernando Paniagua Fernandez	765 S pacific hwy unit 5 Woodburn OR 97071	██████████
I, <u>Luis Fernando Paniagua Fernandez</u> , will operate my establishment according to the statues and rules of the OLCC. I authorize Marion County to conduct background checks, including criminal history checks. I also agree to cooperate with agencies of Marion County in reviewing this application.		
Date: <u>06/10/2024</u>		
	Applicant's signature	



Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem,
Please Type or Print Legibly in Black Ink. Attach

FILED: JUL 30, 2024
OREGON SECRETARY OF STATE



227539392-26521648

REGISTRY NUMBER: 227539392

ENTITY TYPE: DOMESTIC FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public. We must release this information to all parties upon request and it will be posted on our website.

RESTAURANTE AND CANTINA LOS...

AAR

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Restaurante & Cantina Los Dos Compas en Casa Mamuez LLC

2. BUSINESS ACTIVITY

Food

Complete only the sections that you are updating.

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

553 N Front St
Woodburn OR 97071

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

553 N Front Street
Woodburn OR 97071

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT. The entity has been notified in writing of this change.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses) List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the operations and business activities of the corporation or LLC.

5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:

Must be an Oregon Street Address, which is identical to the registered agent's office.

10. NAME(S) AND ADDRESS(ES) OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Business and Professional Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 62.455, ORS 554.315). Nonprofit Corporations list the name and address of one President and one Secretary. Nonprofit Corporations that are Public Benefit list the name and address of one Treasurer (ORS 65.371). Limited Liability Companies list the names and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed. If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

TREASURER - NONPROFIT ONLY: (Name and Address)

Luis Paniagua Fernandez
Luis Fernando Paniagua Fernandez
Alfredo Paniagua Ferrandez

765 S Pacific Hwy #54 Woodburn, OR 97071

11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE:

[Handwritten Signature]

PRINTED NAME:

Alfredo Paniagua

TITLE:

CO-Owner

CONTACT NAME: (To resolve questions with this filing)

Alfredo Paniagua

PHONE NUMBER: (Include area code)

971-216-2632

FEES
No Processing Fee
Free copies are available at sos.oregon.gov/business using the Business Name Search program.
Exhibit 1
Page 24 of 26

Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

09-04-2024
15:33

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
2275393-92	DLLC	ACT	OREGON	06-10-2024	06-10-2025	
Entity Name	RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC					
Foreign Name						

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB PRINCIPAL PLACE OF BUSINESS					
Addr 1	553 N FRONT ST					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT REGISTERED AGENT			Start Date	06-10-2024	Resign Date
Name	LUIS	FERNANDO	PANIAGUA FERNANDEZ			
Addr 1	553 N FRONT ST					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MAL MAILING ADDRESS					
Addr 1	553 N FRONT ST					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MEM MEMBER				Resign Date	
Name	LUIS	FERNANDO	PANIAGUA FERNANDEZ			
Addr 1	765 S PACIFIC HWY 5					
Addr 2						
CSZ	WOODBURN	OR	97071		Country	UNITED STATES OF AMERICA

Type	MEM MEMBER				Resign Date



Name	ALFREDO		PANIAGUA FERNANDEZ		
Addr 1	765 S PACIFIC HWY 5				
Addr 2					
CSZ	WOODBURN	OR	97071		Country UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#) **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
RESTAURANTE AND CANTINA LOS DOS COMPAS EN CASA MARQUEZ LLC	EN	CUR	06-10-2024	

Please [read](#) before ordering [Copies](#).

[New Search](#) [Printer Friendly](#) **Summary History**

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	07-30-2024		FI		
	ARTICLES OF ORGANIZATION	06-10-2024		FI	Agent	

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WOODBURN POLICE DEPARTMENT

ARREST REPORT

1060 MT HOOD AVE, WOODBURN, OR 97071

CASE NO.2021-00012876

ARREST LOCATION 1084 PANA STREET		ARREST DATE / TIME 11/13/2021 00:14		REPORT DATE / TIME 11/12/2021 23:37		ARREST TYPE Summoned Citation				
ARRESTEE	SUBJECT CODE Adult	NAME (LAST, FIRST, MIDDLE) PANIAGUA FERNANDEZ, LUIS FERNANDO								
	ALIAS #1			ALIAS #2						
	ADDRESS (STREET ADDRESS, CITY, STATE, ZIP) 765 S PACIFIC HIGHWAY 5 WOODBURN, OR 97071-					PRIMARY PHONE (971)216-2690	OTHER PHONE			
	DOB	AGE	RACE	SEX	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	DRIVERS LICENSE NO	STATE
		18	Hispanic or Latino	M	5 5	150	Black	Brown		OR
	SOCIAL SECURITY NUMBER ---		SID NUMBER		FBI NUMBER		FINGER PRINT CONTROL NUMBER			
	SCARS, MARKS, & TATTOOS				SCARS, MARKS, & TATTOOS					
ADDITIONAL										
CHARGES	#	STATUTE/ORDINANCE #	COMMIT/ATTEMPT	COUNTS	DESCRIPTION OF STATUTE/ORDINANCE			DOMESTIC	DRUG TYPE	
	1	813.010	Committed	1	DRIVING UNDER THE INFLUENCE OF INTOXICANTS					
	2	811.140	Committed	1	RECKLESS DRIVING					
	3									
	4									
	5									
	6									

ARRESTING OFFICER Mitchell, Josh, ,
REVIEWING SUPERVISOR Titus, Christopher 11/14/2021

WOODBURN POLICE DEPARTMENT

CASE REPORT

1060 MT HOOD AVE
WOODBURN OR
97071

CASE# **2021-00012876**

AXON VIDEO

AXON PHOTOS

EVENT	REPORTED DATE/TIME 11/12/2021 23:37	OCCURRED INCIDENT TYPE DUII	CASE STATUS Closed by Arrest (Our Agency)
	OCCURRED FROM DATE/TIME 11/12/2021 23:37	OCCURRED THRU DATE/TIME 11/12/2021 23:37	LOCATION OF OCCURRENCE 1084 PANA STREET COUNTRY LN / PANA CT WOODBURN

OFFENSES	STATE DESCRIPTION	CC INITS	ATTEMPT/COMMIT
	813.010 DRIVING UNDER THE INFLUENCE OF INTOXICANTS	1	Committed
811.140 RECKLESS DRIVING	1	Committed	

SUBJECT	SUBJECT TYPE Arrestee	NAME (LAST FIRST MIDDLE SUFFIX) PANIAGUA FERNANDEZ, LUIS FERNANDO					
	DOE [REDACTED] 18	ADDRESS (STREET, CITY, STATE, ZIP) 765 S PACIFIC HIGHWAY 5 WOODBURN, OR 97071					
	RACE Hispanic or Latino	SEX Male	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE [REDACTED] OR	PRIMARY PHONE / PHONE TYPE HOME (971)216-2690	OTHER PHONE / PHONE TYPE		SSN		

SUBJECT	SUBJECT TYPE Other	NAME (LAST FIRST MIDDLE SUFFIX) PANIAGUA MILLAN, ISRAEL					
	DOE [REDACTED] 21	ADDRESS (STREET, CITY, STATE, ZIP) 1084 PANA STREET WOODBURN, OR 97071					
	RACE Hispanic or Latino	SEX Male	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE [REDACTED] OR	PRIMARY PHONE / PHONE TYPE	OTHER PHONE / PHONE TYPE		SSN		

SUBJECT	SUBJECT TYPE Complainant	NAME (LAST FIRST MIDDLE SUFFIX) JANSON, CHRISTINA MARIE					
	DOE [REDACTED] 43	ADDRESS (STREET, CITY, STATE, ZIP) 1054 PANA STREET WOODBURN, OR 97071					
	RACE White	SEX Female	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE [REDACTED] OR	PRIMARY PHONE / PHONE TYPE HOME (503)312-2208	OTHER PHONE / PHONE TYPE		SSN		

REPORTING OFFICER Mitchell, Josh, 60298	DATE 11/12/2021	REVIEWED BY Titus, Christopher 11/14/2021
---	---------------------------	---

WOODBURN POLICE DEPARTMENT

CASE REPORT
 1060 MT HOOD AVE
 WOODBURN OR
 97071

CASE# **2021-00012876**

VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	16-Suspect Vehicle		Vehicle - Automobile - 321		
	VEH YR	TYPE/MAKE/MODEL			STYLE
	2017	Auto	CHEVROLET	SILVERADO	
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
TB29745 / OR	1GCUKREC8HF184261	Silver			
ADDITIONAL DESCRIPTIVE INFORMATION					
VEHICLE LUIS WAS DRIVING					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

REPORTING OFFICER	DATE	REVIEWED BY
Mitchell, Josh, 60298	11/12/2021	Titus, Christopher 11/14/2021

WOODBURN POLICE DEPARTMENT

CASE REPORT

CASE# 2021-00012876

1060 MT HOOD AVE
WOODBURN OR
97071

NARRATIVE

REPORT BY: JOSH MITCHELL
FORWARD TO: MARION COUNTY DA and DMV

SUBJECT:
PANIAGUA FERNANDEZ, LUIS

CITATIONS:
#85461 - DRIVING UNDER THE INFLUENCE OF INTOXICANTS (DUII) ORS 813.010
#85462 - RECKLESS DRIVING ORS 811.140

SUMMARY:

On 11/12/2021 I responded to a suspicious vehicle at 1084 Pana Street, Woodburn OR 97071 with substantial front end damage. The caller had previously called in on the vehicle due to erratic driving. The caller called the first time because they believed the vehicle had crashed into something and police needed to be notified. I arrived to call shortly after other Woodburn Officers. We determined the vehicle was in a crash outside the city and determined who the driver was. While speaking with the driver he appeared intoxicated. The driver denied drinking any alcoholic since he arrived at the Pana Street address. I asked the driver to consent to Standardized Field Sobriety Tests (SFSTs) and he consented. I completed SFSTs with the driver and confirmed the driver was impaired .I arrested the driver for DUII and Reckless Driving and transported him to the Woodburn Police Department (WPD). The driver submitted a breath sample and he was determined to have a .11% BAC. The driver was issued citations and given a ride to 1084 Pana Street.

NARRATIVE:

On 11/12/2021 at approximately 2349 hours, I was dispatched to 1084 Pana Street, Woodburn OR 97071 for suspicious vehicle with substantial front end damage.

The caller, Christina Janson, advised there was a group of people gathered around a silver Chevrolet Silverado (TB29745) and she believed the vehicle was involved in the crash. Christina and her husband had called in numerous times earlier in the night about the same vehicle driving recklessly by their house. Earlier in the evening Cpl. Stewart had made a traffic stop on the vehicle (#21-12872) near Evergreen Road and Newberg Highway, Woodburn Oregon.

Sgt. Titus and Cpl. Stewart arrived at 1084 Pana Street prior to me and spoke with Luis Paniagua Fernandez and Israel Paniagua Millan. Cpl. Stewart advised that Luis was the driver and sole occupant of the vehicle earlier in the evening, however, Israel said he was the driver when the truck was crashed.

I arrived on scene and we determined Israel was not involved in the crash and Luis was, in fact, the driver of vehicle when he crashed it. Luis was asked where he crashed and he was not sure. Luis said he believed he crashed into a ditch and he did not hit any vehicles or hurt anyone. Cpl. Stewart requested the information of the crash be relayed to nearby police agencies. Both Keizer PD and Gervais PD advised they were not aware of any crash within their jurisdiction.

I spoke with Israel and he told me Luis was the driver. Israel told me when Luis crashed he called Israel. Israel told me he offered to drive to Luis and pick Luis up. Israel told me Luis refused and drove the truck back to 1084 Pana Street. Israel told me the truck was no longer able to run but was legally parked on the roadway. I looked at the Silverado and observed it had severe passenger side front end damage and the front passenger side tire was flat. Israel told me when Luis got home he was mad he messed up his truck and was punching his vehicle. Israel told me Luis went inside the house briefly but came back outside. Israel told me Luis had been home for approximately 5 minutes before Woodburn Police arrived.

REPORTING OFFICER	DATE	REVIEWED BY
Mitchell, Josh, 60298	11/12/2021	Titus, Christopher 11/14/2021

WOODBURN POLICE DEPARTMENT

CASE REPORT

CASE# 2021-00012876

1060 MT HOOD AVE
WOODBURN OR
97071

NARRATIVE (continuation)

Israel told me Luis had been drinking and it was likely the reason he crashed.

I spoke with Luis and noticed he had slightly slurred speech and dazed and lethargic demeanor. I asked Luis about why he crashed and he could not tell me why or where he crashed. I asked Luis what he did when he got back to the Pana Street after the crash. Luis told me he got home and spoke to Israel and was upset about his truck so he started hitting his truck. I asked if Luis went inside the house once he was home and he told me yes. I asked if he had drank any alcohol since he got back to the Pana Street address or when he went inside the house and Luis told me no. Luis admitted he did have 2 "Mike's hard lemonades" earlier before he crashed.

I told Luis I believed he was impaired and asked if he would perform SFSTs and he told me he would. I walked Luis over to the sidewalk and began my SFSTs process.

STANDARDIZED FIELD SOBRIETY TEST:

I asked Luis if he had any head injuries, diabetes, medical impairments that would affect his balance and he told me no. At this point I could smell a strong odor of an alcoholic beverage coming from Luis' breath.

HORIZONTAL GAZE NYSTAGMUS (HGN) TEST:

I had Luis stand in the appropriate position for the test and explained the HGN test entirely. Luis told me he understood the instructions for the test. I checked Luis' eyes and observed equal pupil size, no resting nystagmus and equal tracking in both eyes. Luis exhibited the following validated clues.

- Lack of smooth pursuit; both eyes
- Distinct and sustained nystagmus at maximum deviation; both eyes.

Luis during the test would not follow the stimulus so I had to complete more passes than usual.

WALK AND TURN (WAT) TEST:

I told Luis to imagine a straight line on the sidewalk for the WAT test. Luis told me he would rather use a line on the roadway for the test. Luis completed his WAT test on the roadway. I had Luis stand in the appropriate position for the test and told him to stay in the position until he was told to start the test. Luis told me he understood. I explained and demonstrated the WAT test and Luis told me he understood the instructions. Luis exhibited the following validated clues.

- Fail to maintain balance
- Improper turn; small, shuffling, steps with both feet to turn. Lifted his lead foot of the ground for the turn
- Wrong number of steps; 10 steps down, 10 steps back

ONE LEG STAND (OLS) TEST:

I had Luis stand in the proper position on the sidewalk and explained and demonstrated the OLS stand test entirely. Luis told me he understood the test. Luis exhibited the following validated clues.

- Sways
- Puts foot down

REPORTING OFFICER Mitchell, Josh, 60298	DATE 11/12/2021	REVIEWED BY Titus, Christopher 11/14/2021
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WOODBURN POLICE DEPARTMENT

CASE REPORT

CASE# **2021-00012876**

1060 MT HOOD AVE
WOODBURN OR
97071

NARRATIVE (continuation)

I asked Luis on a scale from 1 to 10; 1 being completely sober, 10 being fall down drunk, where would he put himself in terms of his intoxication. Luis told me he believed he was a 2 out of 10. I asked Luis if he felt he was able to safely operate his vehicle tonight and he told me yes. I expressed that I did not believe he could safely operate the vehicle since he crashed.

At approximately 0014 hours, Luis was placed under arrest for DUII and Reckless Driving. I searched and placed Luis in the back of my patrol vehicle. Cpl. Stewart looked inside Luis' vehicle and found opened containers of alcohol. Cpl. Stewart took photos of the truck (ADS-2). The truck was legally parked and was left at the location. I transported Luis to the Woodburn Police Department.

At approximately 0032 hours, I began my observation period with Luis, after I checked the inside of his mouth and observed nothing of concern. At approximately 0033 hours, I read Luis his Miranda Rights from a prepared card and he advised he understood his rights. During my observation period, I stayed within approximately 6 feet of Luis and I read him Section 1A of the Implied Consent Form. I asked Luis if he would submit to a breath test and he told me he would. At approximately 0050 hours, I ended my observation period after I checked Luis' mouth and saw nothing of concern. I asked Luis if he had vomited and he told me he did not. I explained to Luis how to successfully submit a breath sample to the Intoxylizer 8000 (SN# 80-001581). Luis submitted 2 breath samples and it was determined he had a .11% BAC.

I completed citations for DUII and Reckless driving and issued the citations to Luis. I provided him with a copy of his breath test results, a copy of the implied consent form and his copy of his temporary driver's permit. At approximately 0121 hours, I advised METCOM Luis had been cited and released from my custody. I gave Luis a courtesy ride to 1084 Pana Street, Woodburn OR 97071.

My contact with Luis at 1084 Pana Street and the Intoxylizer process was recorded on my Axon body worn camera (JTM-1), refer to the video for specifics about this case.

Case closed by arrest.

REPORTING OFFICER	DATE	REVIEWED BY
Mitchell, Josh, 60298	11/12/2021	Titus, Christopher 11/14/2021



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1905 LANA AVE NE, SALEM OREGON 97314

IMPLIED CONSENT COMBINED REPORT

NOTICE OF SUSPENSION - TEMPORARY DRIVER PERMIT - POLICE REPORT TO DMV
(ORS 813.100, 813.110, 813.120, 813.131, 813.410, 813.420 and 813.300)

NAME OF DRIVER (PLEASE PRINT LAST, FIRST, MIDDLE) Paniagua Fernandez, Luis	DRIVER LICENSE/FILE REFERENCE NO. [REDACTED]	CDL/CLP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	STATE OR
ADDRESS (CITY, STATE, ZIP CODE) 765 S Pacific Highway #5, Woodburn OR 97071			DATE OF BIRTH [REDACTED]
EXACT DATE AND TIME OF ARREST 11/13/21 0014 hrs	COUNTY OF ARREST Marion	NEAREST CITY TO ARREST SITE Woodburn	

You were arrested for driving under the influence of intoxicants (DUII) and you were asked to submit to a test under the Motorist Implied Consent Law. At the time the request was made, there were reasonable grounds to believe that you were driving under the influence of intoxicants.

Before being asked to submit to a test, you were informed of the required rights and consequences information by the reporting officer or _____.

You were given a copy of this form and the Commercial Motor Vehicle (CMV) Implied Consent Addendum, if applicable, as written notice. If requested, you were given a reasonable opportunity to contact counsel or others.

Your driving privileges will be suspended at 12:01 A.M. on the 30th day after the date of arrest (unless otherwise indicated) for the period of time and for the reason indicated below.

BREATH TEST FAILURE:

- You failed a breath test. [.08% or greater; any amount if under age 21]** Your suspension for failing the test will be for:
- ▶ **90 days**, if you have NOT been convicted of DUII; suspended under the Implied Consent Law; or participated in a DUII diversion or similar program within the last five years [ORS 813.430]; **or**
 - ▶ **1 year**, if you have been convicted of DUII; suspended under the Implied Consent Law; or participated in a DUII diversion or similar program within the last five years [ORS 813.430].

INSTRUMENT SERIAL NUMBER

80-001581

-OR-

- You were driving a Commercial Motor Vehicle (CMV) **and** the breath test result was .04% or greater but less than .08%. No suspension of base driving privileges. [See attached **CMV Implied Consent Addendum**.]

The person administering the breath test was qualified under ORS 813.160 and the methods, procedures and equipment used in the test complied with ORS 813.160. The test was administered by the reporting officer or _____.

TEST REFUSAL:

(Can NOT be in addition to a breath test failure above. Exception: Only a urine test refusal and suspension length may be marked in addition to a Breath Test Failure.)

Mark type of test(s) refused:

- You refused to submit to a **breath test**.
- You refused to submit to a **blood test** when receiving medical care in a health care facility immediately after a motor vehicle accident.
- You refused to submit to a **urine test**. You had been involved in an accident resulting in injury or property damage or you had already submitted to a breath test and the result was less than .08%. The officer who requested the urine test was certified by the Department of Public Safety Standards and Training as having completed 8 hours of training in recognition of drug impaired driving, and had reasonable suspicion that you had been driving while under the influence of cannabis, a controlled substance, an inhalant or any combination of cannabis, a controlled substance, an inhalant and intoxicating liquor. **NOTE:** The suspension will be consecutive to any other suspension imposed under the Motorist Implied Consent Law. The urine test was requested by the reporting officer or _____.

Your suspension for refusing a test(s) will be for:

- ▶ **1 year**, if you have NOT been convicted of DUII; suspended under the Implied Consent Law; or participated in a DUII diversion or similar program within the last five years [ORS 813.430]; **or**
- ▶ **3 years**, if you have been convicted of DUII; suspended under the Implied Consent Law; or participated in a DUII diversion or similar program within the last five years [ORS 813.430].

If you hold CDP*, were driving a motor vehicle or CMV and you refused to submit to a test, your CDP will also be suspended in accordance with ORS 809.510 and 809.520 for:

- ▶ **3 years**, if you have **not** received a conviction or CDP suspension as described in ORS 809.510; **or**
- ▶ **Lifetime**, if you have received a conviction or CDP suspension as described in ORS 809.510.

NOTE: Your CDP suspension will be concurrent to any other suspension imposed under the Motorist Implied Consent Law.

* Pursuant to ORS 807.018, you hold CDP if you have an unexpired commercial learner driver permit, or your most recently issued license is or was a commercial driver license, without regard to whether that license is expired or your commercial driving privileges are suspended, canceled or revoked.

The driver did not fail a breath test nor refuse to submit to a breath, blood or urine test. (Do not forward copy to DMV. Keep for your own records.)

Notes to officer:

- If the person was driving a CMV, complete and attach the CMV Implied Consent Addendum (Form 735-75A), in addition to this form.
- A vehicle that transports hazardous materials or is designed to transport 16 or more passengers is a CMV, regardless of size.

If the person requests a hearing, I request that the hearing be conducted in person.

I affirm by my signature that the foregoing events occurred.

SIGNATURE OF REPORTING OFFICER X <i>Josh Mitchell</i>	AGENCY Woodburn	TELEPHONE NUMBER 503 982 2345
PRINT NAME AND AGENCY I.D. No. OF REPORTING OFFICER Josh Mitchell / B21	DPSST# 60298	

HEARING REQUESTS

If you request a hearing, your request **MUST** be in writing. If you refused to submit to a test or failed a breath test, your request **MUST BE RECEIVED** at the Hearings Case Management Unit on the tenth day following this arrest, or you lose your right to a hearing. If you fail a blood test, DMV will notify you and provide you with information on how to request a hearing. Your request should include: your full name and address; date of arrest; driver license (or file reference) number; date of birth; if you require a language interpreter or are hearing impaired; dates and times when you or your attorney cannot appear at a hearing; a telephone number where you can be reached between 8 a.m. and 5 p.m. on weekdays; if you want an in-person hearing; and issues you propose to raise. The Office of Administrative Hearings (OAH) will conduct the hearing by telephone unless you, or the reporting officer, request an in-person hearing. The OAH will conduct an in-person hearing, if requested, in the county of arrest or at a place within 100 air miles of the place of this arrest. The OAH will notify you of the time and place of the hearing. **You may mail, fax, or hand deliver your written request for hearing to:** Hearings Case Management Unit, 1905 Lana Avenue NE, Salem Oregon 97314. FAX number (503) 945-5521. **You may also submit your request for hearing using the implied consent hearing request form provided on DMV's Web site - OregonDMV.com.** Questions about a hearing? Call: (503) 945-5545.

Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department (OMD) at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through: <http://legalassistance.law.af.mil>. The OMD does not have a toll-free telephone number.

This document represents an Order of DMV pursuant to ORS 813.410. If no hearing is requested, the allegations contained in this document will be accepted as fact.

CUSTOMER SERVICES MANAGER

X *[Signature]*

OREGON STATE POLICE FORENSIC SERVICES DIVISION

INTOXILYZER 8000® OPERATOR'S CHECKLIST

(Please Print)

11/13/21
Test Date

Josh Mitchell
Arresting Officer (Print)

Panigga Fernandez, Luis
Driver's Name (Last, First, Middle)

Woodburn PD
Arresting Officer's Department

OPERATIONAL CHECKLIST

- 1. **Pre-test observation period:** The operator is certain that the subject has not taken anything by mouth (drinking, smoking, eating, taking medications, etc.), vomited, or regurgitated liquid from the stomach into the mouth for at least fifteen (15) minutes before taking the breath test.

Observer Name (Print): Josh Mitchell
Start pre-test observation time: 0032 End pre-test observation time: 0050
Timepiece used: Instrument Wristwatch Other: _____

- 2. When the instrument display indicates "Ready to Start", push "Start Test" button to initiate the testing sequence.
- 3. Using either the instrument's bar code scanner or keyboard, enter the operator and subject information requested by the instrument.
- 4. After instructing the subject on how to give a proper breath sample, have the subject provide a proper breath sample when "Please blow into mouthpiece to activate tone." appears on display. **When the instrument has accepted the sample, continue the required observation period.**
- 5. When "Please blow into mouthpiece to activate tone." again appears on display, have the subject provide a proper breath sample. When the instrument has accepted the sample, wait for the instrument to complete the testing sequence.
- 6. When the instrument display indicates "Comments", enter any appropriate comments regarding the testing sequence.
- 7. Remove the test report(s) from the printer.

Comments: _____

80-001581
Instrument Serial #

Josh Mitchell
Operator's Name (Print)

Woodburn PD
Operator's Department

WOODBURN POLICE DEPT
Location

Josh Mitchell
Operator's Signature

060298
Operator's Permit #

OREGON DEPARTMENT OF STATE POLICE
FORENSIC SERVICES DIVISION
BREATH TEST REPORT

TEST DATE: 11/13/2021

INSTRUMENT: CMI INTOXILYZER - ALCOHOL ANALYZER MODEL 8000
SN: 80-001581 TEST LOCATION: WOODBURN POLICE DEPT

SUBJECT NAME: PANIAGUA FERNANDEZ, LUIS FERNANDO
SUBJECT LICENSE #: XXXXXXXXXX
SUBJECT DOB: XXXXXXXXXX

Test	%BAC	Status	Time
Air Blank	0.000	PASS	00:52 PST
Diagnostics	OK	PASS	00:52 PST
Air Blank	0.000	PASS	00:53 PST
Subject Sample	0.121	OBTAINED	00:53 PST
Air Blank	0.000	PASS	00:54 PST
Air Blank	0.000	PASS	00:55 PST
Subject Sample	0.114	OBTAINED	00:56 PST
Air Blank	0.000	PASS	00:56 PST
Control Sample	0.082	PASS	00:57 PST
Air Blank	0.000	PASS	00:57 PST



** EXPECTED VALUE FOR CONTROL: 0.085 %BAC **

TEST RESULT: 0.11 %BAC

ADDITIONAL INSTRUCTIONS: Any observations made by the operator during the testing sequence may be recorded in the comments section below.

OPERATOR'S NAME: MITCHELL, JOSHUA T
OPERATOR'S PERMIT #: 060298
TEST METHOD: OAR 257-030-0130

The above-named individual has satisfactorily met the requirements of ORS 813.160 in the chemical analysis of a person's breath and is approved to operate the above listed equipment using the above listed method as specified by the Department of State Police.

COMMENTS:

REGISTER OF ACTIONS

CASE No. 21CR60813

State of Oregon vs Luis Fernando Paniagua-Fernandez

§
§
§
§
§

Case Type: **Offense Misdemeanor**
 Date Filed: **12/14/2021**
 Location: **Marion**
 District Attorney Number: **21-11826-A**

PARTY INFORMATION

Defendant **Paniagua-Fernandez, Luis Fernando**
 765 S PACIFIC HWY UNIT 5
 Woodburn, OR 97071

Male
 DOB: 2003
 5' 5", 150 lbs

Attorneys
Laura D Schiffano
Court Appointed
 503-506-6046(W)

Plaintiff **State of Oregon**

Katharine Rose Semple
 503 588-5222(W)

CHARGE INFORMATION

Charges: Paniagua-Fernandez, Luis Fernando
 1. Driving Under the Influence of Intoxicants

Statute
 813.010(4)

Level
 Misdemeanor Class A

Date
 11/13/2021

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

01/14/2022 **Plea** (Judicial Officer: Zimmerman, Natasha A.)
 1. Driving Under the Influence of Intoxicants
 Guilty
 Created: 01/14/2022 2:19 PM

01/14/2022 **Disposition** (Judicial Officer: Zimmerman, Natasha A.)
 1. Driving Under the Influence of Intoxicants
 Diverted
 Created: 01/14/2022 2:19 PM

01/14/2022 **Diversion** (Judicial Officer: Zimmerman, Natasha A.)
 1. Driving Under the Influence of Intoxicants
 Sentencing Details
 Decision Date: 01/14/2022
 Probation Non-Probation Conditions (Active)
 Start Date: 01/14/2022
 Duration: 12 Months
 Estimated End Date: 01/14/2023
 Judicial Officer: Zimmerman, Natasha A.
 Special Conditions: Fingerprint - Book - Photo, 01/14/2022, Report to Marion County Correctional Facility for fingerprints and photographs. Following processing at the Marion County Correctional Facility the defendant is authorized for release.
 Financial Review, 01/14/2022, It is hereby further ordered and adjudged that the clerk apply payment upon this money award as provided by law and apply any bail or security on deposit herein toward this money award and, to the extent permitted by law, disburse them first to compensatory fines, then to restitution, Crime Victim Assessment, fines, assessments, fees and then to other costs adjudged herein.
 Alcohol Treatment Program, 01/14/2022, Participate in an alcohol evaluation. Enter and successfully complete any course of treatment, including after and follow-up care determined to be necessary and as designated by the Evaluator or the Probation Officer.
 Program Victim Impact Panel, 01/14/2022, Attend and successfully complete a Victim Impact Panel The defendant is to contact the Marion County Victim Impact Panel.
 No - Alcohol, 01/14/2022, Do not use or possess alcohol, intoxicants, inhalants or controlled substances.
 No - Entry Bar/Tavern/OLCC Licensed Premises, 01/14/2022, Do not enter into bars, taverns or liquor stores.
 No Drive Without License, 01/14/2022, Do not operate a vehicle without a valid license and insurance.
 No - Violate No Laws, 01/14/2022, Obey all municipal, county, state and federal laws.
 Court Review, 01/14/2022, Appear in Court at the Marion County Court Annex located at 4000 Aumsville Highway, Salem, Oregon, on 10/14/22 at 10:00AM, to show proof of completion.

Fee Totals:			
	Amount	Reduction	Owed
DUII Diversion	\$490.00		\$490.00
Fee Totals \$	\$490.00		\$490.00
Fee Modifier			

Created: 01/14/2022 2:19 PM

OTHER EVENTS AND HEARINGS

12/14/2021 [Information](#)
 Created: 12/14/2021 4:22 PM
 12/14/2021 [Certificate - Victim Notification](#)
 Created: 12/14/2021 4:22 PM

12/15/2021 **Arraignment** (9:00 AM) (Judicial Officer Bureta, Jodie)
Result: Held
Created: 12/14/2021 3:13 PM

12/15/2021 **Order - Appointing Counsel** (Judicial Officer: Bureta, Jodie)
Attorney: SCHIFANO, L
Signed: 12/15/2021
Created: 12/15/2021 9:55 AM

12/15/2021 **Arraignment** (Judicial Officer: Bureta, Jodie)
INFORMATION
Created: 12/15/2021 9:55 AM

12/15/2021 **Agreement - Conditional Release**
Created: 12/15/2021 9:55 AM

01/14/2022 **Hearing - Plea** (1:30 PM) (Judicial Officer Zimmerman, Natasha A.)
DIVERSION
01/14/2022 Reset by Court to 01/14/2022
Result: Held
Created: 12/15/2021 9:56 AM

01/14/2022 **Agreement - Diversion**
Created: 01/14/2022 2:15 PM

01/14/2022 **Petition - Diversion Agreement** (Judicial Officer: Zimmerman, Natasha A.)
Created: 01/14/2022 2:15 PM

01/14/2022 **Order - Diversion** (Judicial Officer: Zimmerman, Natasha A.)
DUII
Signed: 01/14/2022
Created: 01/14/2022 2:16 PM

01/14/2022 **Order - Referral** (Judicial Officer: Zimmerman, Natasha A.)
DUII
Signed: 01/14/2022
Created: 01/14/2022 2:16 PM

01/14/2022 **Victim Impact - Panel Referral**
Created: 01/14/2022 2:16 PM

01/24/2022 **Report**
CSI-DUII. Referred to Marion Co Health - Woodburn
Created: 01/24/2022 2:10 PM

10/13/2022 **Notice - Compliance**
CSI:DUII
Created: 10/13/2022 11:58 AM

10/14/2022 **Hearing - Further Proceedings** (10:00 AM) (Judicial Officer Gardiner, Jennifer)
Result: Failure to Appear
Created: 01/14/2022 2:20 PM

10/14/2022 **Acknowledgment**
Appear or Warrant
Created: 10/14/2022 10:16 AM

11/03/2022 **Hearing - Further Proceedings** (10:00 AM) (Judicial Officer Gardiner, Jennifer)
Appear or Motion to terminate diversion shall be filed
Result: Held
Created: 10/14/2022 10:13 AM

11/03/2022 **Victim Impact - Panel Referral**
01.04.23.
Created: 11/03/2022 10:04 AM

11/03/2022 **Acknowledgment**
Created: 11/03/2022 10:04 AM

11/21/2022 **Letter - Completion**
CSI:DUII
Created: 11/21/2022 2:36 PM

01/09/2023 **Hearing - Further Proceedings** (10:00 AM) (Judicial Officer Partridge, Lindsay R)
Result: Held
Created: 11/03/2022 10:05 AM

01/09/2023 **Victim Impact - Panel Completion**
Created: 01/09/2023 10:48 AM

01/11/2023 **Victim Impact - Panel Completion**
Created: 01/11/2023 11:30 AM

FINANCIAL INFORMATION

	Defendant Paniagua-Fernandez, Luis Fernando		
	Total Financial Assessment		490.00
	Total Payments and Credits		490.00
	Balance Due as of 07/11/2024		0.00
01/14/2022	Transaction Assessment		490.00
11/03/2022	Counter Payment	Receipt # 2022-44296-TP	(490.00)
		Paniagua-Fernandez, Luis Fernando	

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

THE STATE OF OREGON)	
)	No. 21-11826-A
Plaintiff,)	INFORMATION
)	
vs.)	
)	
LUIS FERNANDO PANIAGUA-FERNANDEZ,)	
)	
(DOB: [REDACTED]))	
)	
Defendant)	

The above named defendant is accused by PAIGE E. CLARKSON, District Attorney for the County of Marion, by this information of the crimes of:

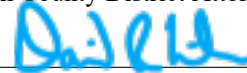
Count 1: ORS 813.010 DRIVING WHILE UNDER THE INFLUENCE OF INTOXICANTS (A Misdemeanor)

committed as follows:

COUNT 1: The defendant, on or about November 13, 2021, in Marion County, Oregon, did unlawfully drive a vehicle upon premises open to the public while under the influence of intoxicants.

Dated at Salem, Oregon, this 9th day of December, 2021

PAIGE E. CLARKSON
Marion County District Attorney

By: 
KATHARINE SEMPLE, OSB 162011
Deputy District Attorney

12/15/21 @ 9:00 AM
KRS/ ndm
AGENCY: WBP AGENCY#: 21-12876
IDENTIFIERS: M Ht:5'5 Wt: 150 Hair: BLK Eyes:BRO SID:
INST: No CNTRL#**Def needs printed**
11/13/2021 COPIES: 1=Defendant; 1=File; 1=mcso

PAIGE E. CLARKSON
District Attorney for Marion County, Oregon
555 Court Street NE, Suite 3250
P.O. BOX 14500
SALEM, OR 97309



IN THE CIRCUIT COURT OF THE STATE OF ORE
FOR THE COUNTY OF Marion
CITY OF Salem

State of Oregon

Case No: 21CR60813

v.

ORDER RE: DUII DIVERSION

Luis Pontagva-Fernandez
Defendant

ODL: [REDACTED] DOB: [REDACTED]

STATE OF OREGON
Marion County Circuit Courts

The alleged DUII occurred on (date) 11/13/21

JAN 14 2022

Based on Defendant's *DUII Diversion Petition and Agreement*, **THE COURT ORDERS:** **FILED**

The petition for diversion is

Denied

Allowed. The court withholds entry of a judgment of conviction pending completion or termination of the diversion agreement and orders that:

- 1) Defendant is ordered to comply with all terms in the *Petition and Agreement*
Assessment Evaluator information: see referral
- 2) The diversion period is 1 year beginning (date) 1/14/22 and ending (date) 1/13/23
 Defendant must file a motion to dismiss after the diversion period ends in order for the court to dismiss the charge (if this option is not checked the defendant does not need to file a motion to dismiss)
- 3) Defendant must pay a fee of \$490.00 to the court for the diversion as required by statute unless waived or deferred. Payment is due immediately or per payment schedule:
\$ _____ / month due by the _____ day of each month beginning _____
 other: due on 10/14/2022
- 4) Defendant must attend a victim impact panel approved by this court and must pay a participation fee to that program **Victim Impact Panel Date:** see referral
- 5) Defendant must pay court-appointed attorney fees
 in an amount of \$ _____ on a schedule determined by the court. The court finds that the defendant has the ability to pay court-appointed attorney fees.
 as ordered in a separate limited judgment or order
- 6) Defendant must install and use an **ignition interlock device (IID)** in any vehicle operated by the Defendant during the period of the agreement when the Defendant has driving privileges *
 Defendant need not install an IID because Defendant:
 meets the requirements for medical exemption under Oregon Department of Transportation rules and is exempt from the IID requirement
 submitted to a blood, breath, or urine test that showed no cannabis, inhalants, or controlled substances, and a BAC below 0.08%
- 7) Defendant must be booked and fingerprinted by 10/14/2022.
- 8) Restitution/Other: _____

Judge Signature:

1/14/2022

[Signature]

*if Defendant is required to operate an employer-owned motor vehicle, an IID need not be installed if Defendant notifies employer of the IID requirement and has written proof of the notification

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Marion
CITY OF Salem

State of Oregon

Case No: 21CR60813


v.

PETITION AND
AGREEMENT

Luis Paniagua-Fernandez
Defendant

DUII Diversion

Date of DUII Offense: 11/13/21

Defendant's Residence:			
<u>765 S Pacific Hwy</u>	<u>Units</u>	<u>Woodburn</u>	<u>OR 97071</u>
Street	City	State	ZIP
Mailing Address (if different)			
			SID# (if known):

DEFENDANT'S AGREEMENT AND WAIVER

I am the Defendant. I ask the court to grant a diversion under ORS 813.200 to 813.270 for the charge of driving under the influence of intoxicants (DUII). If the court allows this petition:

- (1) I have read and understand all of the information in the attached *Explanation of Rights and DUII Diversion Agreement* and I agree to:
 - a) Pay the required diversion fees and any restitution ordered
 - b) Complete an alcohol and drug abuse assessment and any recommended treatment
 - c) Attend a victim impact panel as ordered by the court
 - d) Not use alcohol or other intoxicants except as allowed in the attached *Explanation of Rights and DUII Diversion Agreement*
 - e) Install and use an approved Ignition Interlock Device (IID) if ordered by the court
 - f) Keep the court advised of my current mailing address
- 2) I plead guilty or no contest to the DUII charge as shown in the *Petition to Plead Guilty or No Contest* submitted with this diversion petition
- 3) I waive (give up) the rights listed in the *Petition to Plead Guilty or No Contest*
- 4) I waive my former jeopardy rights under the federal or state constitutions and ORS 131.505 to 131.525 in any future action on the charge or any other offenses based on the same criminal incident

Luis P.
Defendant's Signature

Luis Paniagua
Defendant's Name (typed or printed)

12/27/21
Date

NOTE: The *Defendant's Declaration of Eligibility*, and *Petition to Plead Guilty or No Contest* must be filed with this form and served on the district attorney or city attorney who filed the charge

Verified Correct Copy of Original 1/14/2022.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF marion
CITY OF Salem

State of Oregon

Case No: 21CE60813

v.

**PETITION TO PLEAD
GUILTY OR NO CONTEST**

Luis Poniagua-Fernandez
Defendant

DUII Diversion

1. My true name is (first, middle, last) Luis Fernando Poniagua-Fernandez

I also am known as _____

2. I am 18 years old. The highest grade level of school I have completed is 10th grade

3. My physical and mental health are satisfactory. I am not under the influence of any drugs or intoxicants, except

4. The following statement best describes me:

- I am able to read, write, and understand English, and I have read this petition completely
- I am able to understand English, and this petition has been read aloud to me completely
- I am unable to read English, and this petition has been read aloud to me completely in English
- I am unable to read, write, or understand English, and this petition has been read aloud to me in the _____ language by _____, who is qualified to translate English into the _____ language

5. I am am not represented by a lawyer. I understand that I have the right to hire a lawyer or have the court appoint a lawyer to represent me if the court finds that I cannot afford to hire a lawyer.

I choose to give up my right to a lawyer. I will represent myself. (_____) [initial here]

6. If represented by a lawyer, I have told my lawyer all the facts I know about the charge against me. My lawyer has advised me of the nature of the charge and the defenses, if any, that I have in this case. I am satisfied with the advice and help my lawyer has given me.

7. I understand that I have the following rights: a) the right to jury trial; b) the right to confront and question all witnesses who testify against me at trial; c) the right to remain silent about all facts of the case; d) the right to subpoena witnesses and evidence in my favor; e) the right to have my lawyer assist me at trial; f) the right to testify at trial; g) the right to have the jury told, if I decided not to testify at trial, that they cannot hold that decision against me; and h) the right to require the prosecutor to prove my guilt beyond a reasonable doubt.

8. I understand that I give up all of the rights listed in paragraph 7 when I plead guilty or no contest. I understand I give up: a) any defenses I may have to the charge; b) objections to evidence; and c) challenges to the accusatory instrument.

9. By this petition, I am pleading guilty no contest to the crime of driving under the influence of intoxicants (DUII) which is a Class A misdemeanor under Oregon law. The maximum penalties, applicable if I do not enter diversion or if I fail to comply with the conditions of diversion are 364 days in jail and a fine of \$6,250 or \$10,000 if the offense was committed in a motor vehicle and there was a passenger younger than 18 and at least three years younger than me. The minimum penalties are 48 hours of imprisonment or 80 hours of community service and a fine of:

- \$1,000 if this is my first conviction

- \$1,500 if this is my second conviction
- \$2,000 if this is my third conviction and I am not sentenced to a term of imprisonment
- \$2,000 if my blood alcohol level (BAC) was 0.15 percent or greater

If I do not enter diversion or if I fail to comply with the conditions of diversion, there will be a mandatory suspension of my driving privileges for:

- 1 year if this is my first conviction
 - 3 years if this is my second conviction within 5 years
 - my lifetime if this is my third or subsequent conviction
- I understand that if I am not a U.S. citizen, this plea may result in my removal from this country, exclusion from admission to the United States, or denial of naturalization.
 - I understand that I will be required to pay all of the fees listed in the *Summary of DUII Diversion Fees*, unless the court finds me unable to pay and waives all or part of these fees. These fees include an alcohol or drug abuse assessment and any recommended or court-ordered treatment. The court may order me to attend a victim impact panel and pay a participation fee. I may be required to reimburse the state for the cost, if any, of a court-appointed attorney.
 - I am submitting this plea along with a petition to enter the diversion program under ORS 813.200 to 813.270. I understand that if the court grants the petition, the court will accept this plea but will not enter a judgment of conviction at this time.
 - I understand that:
 - If I fully comply with the conditions of the diversion agreement within the period authorized by law and by the court, the court will dismiss the charge with prejudice under ORS 813.250. If the court does not have a policy of automatically dismissing the DUII charge at the end of one year, I will have to file a motion at the end of the diversion period requesting that the charge be dismissed.
 - If I fail to comply with the diversion agreement within the diversion period, the court will enter a judgment of conviction on the charge and will sentence me
 - I understand that if the court enters judgment on this plea for failing to comply with the diversion agreement, it is the same as a conviction. This court can find me guilty of the crime of DUII based on this plea alone, without receiving any evidence.
 - I understand that if the court denies the diversion petition and I go to trial, nothing in this petition will be used against me
 - This plea is based only on what is written on this petition. No promises have been made to me by my lawyer or any officer or agent of any branch of government (federal, state, or local) that I will receive a particular sentence or form of treatment from this or any other court, on these or any other charges, other than what is set forth in this petition.
 - I plead no contest *or*
 I plead guilty because in marion County, Oregon, I did the following: *on or about November 13, 2021, I unlawfully drove a vehicle upon premises open to the public while under the influence of intoxicants.*

- 18. I am am not currently on probation, parole, or post-prison supervision. I know that if I am and the court enters judgment on this plea, my failure to comply with the conditions of the diversion agreement may cause my probation, parole, or post-prison supervision to be revoked and I may be required to serve jail or prison time in that case in addition to any sentence imposed in this case.
- 19. I understand the charge against me and the information in this petition. I am signing this petition and entering this plea voluntarily, intelligently, and knowingly.
- 20. I understand that if I fail to comply with the terms of the diversion and the court enters a judgment of conviction, I have the right to appeal the conviction. My right to an appeal will be explained to me when the court enters the judgment of conviction.

Luis
Defendant's Signature

Luis Paniagua
Defendant's Name (printed)

12/22/21
Date

CERTIFICATE OF COUNSEL

I am the attorney for the defendant in this proceeding and I certify that:

- 1. I have fully explained to my client the charge and possible defenses that may apply in this case
- 2. I have personally examined this plea petition, explained all of its provisions to my client, and discussed fully with my client all matters described and referred to in the petition
- 3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences
- 4. To the best of my knowledge and belief, my client's decision to enter this plea is made voluntarily, intelligently, and knowingly
- 5. I have told my client that if he or she is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the Office of Public Defense Services

Signed by me in the presence of the above-named defendant/petitioner and after full discussion of the contents of the certificate with the defendant on (date) 12/22/21

[Signature] Laura D. Schifano 205728
 Defendant's Attorney's Signature Attorney Name (typed or printed) Bar Number

CERTIFICATE OF INTERPRETER

I, the undersigned interpreter, certify that I have read aloud the petition to the above defendant in the _____ language

Signed by me in the presence of the above-named defendant on (date) _____

 Interpreter's Signature Interpreter Name (printed)

Verified Correct Copy of Original 1/14/2022.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Marion
CITY OF Salem

State of Oregon

Case No: 21UR60813

v.

**ORDER ON PETITION TO PLEAD
GUILTY OR NO CONTEST**

Luis Paniagua-Fernandez
Defendant

(DUII Diversion)

Regarding Count 1

The court finds:

That the defendant's plea of no contest guilty is knowingly, intelligently, and voluntarily made

ORDER:

The court accepts denies the plea petition for purposes of ORS 813.200 to 813.270

Judge Signature:

1/14/2022

[Handwritten Signature]

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Marion
CITY OF Salem

State of Oregon

Case No: 21CR60813

v.

DEFENDANT'S DECLARATION OF
ELIGIBILITY

Luis Paniagua-Fernandez
Defendant

DUII Diversion

I am eligible to participate in a driving under the influence of intoxicants (DUII) diversion program because:

1. I have never been convicted of a felony DUII offense in Oregon or any other place
2. On the date I sign the attached petition for a DUII diversion agreement:
 - a. Except for the DUII charge in this case, there is no charge pending against me in Oregon or any other place for an offense involving operation of a vehicle while:
 - under the influence of alcohol, cannabis, a controlled substance, an inhalant, or any combination of the four, or
 - having a blood alcohol content above the allowable blood alcohol content
 - b. I am not participating in a DUII diversion program or any similar alcohol or drug rehabilitation program in Oregon or any other place except:
 - a program I may have entered as a result of the DUII charge in this case, or
 - a charge for minor in possession of alcohol under ORS 471.430
 - c. There is no charge of an offense pending against me in Oregon or any other place for any degree of aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle
3. During the fifteen (15) years before the date of the alleged DUII offense in this case and from the time between the alleged DUII offense and the date I sign the attached petition:
 - a. I have not been convicted in Oregon or any other place for an offense involving the operation of a vehicle while:
 - under the influence of alcohol, cannabis, a controlled substance, an inhalant, or any combination of the four, or
 - having a blood alcohol content above the allowable blood alcohol content
 - b. I have not participated in a DUII diversion program or any similar alcohol or drug rehabilitation program in Oregon or any other place except a program I may have entered as a result of a charge for minor in possession of alcohol under ORS 471.430
 - c. I have not been convicted, in Oregon or any other place, on any charge of an offense in any degree for aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle, **and**
 - d. If this is my second or subsequent diversion, I have not been convicted of any criminal offenses involving a motor vehicle

- 4. The DUII offense described in the attached petition did not involve any deaths or any physical injury to any other person (*"physical injury" means impairment of physical condition or substantial pain*)
- 5. At the time of the alleged offense, I did not have commercial driving privileges
- 6. At the time of the alleged offense, I was not operating a commercial motor vehicle

I hereby declare that the above statement is true to the best of my knowledge and belief. I understand it is made for use as evidence in court and I am subject to penalty for perjury.

Luis P.
Defendant's Signature

Luis Paria g u a
Defendant's Name (printed)

12/22/21
Date

NOTE: this declaration must be completed by Defendant and filed with DUII diversion *Petition and Agreement (with attached Explanation of Rights and DUII Diversion Agreement), Order re: DUII Diversion, Petition to Plead Guilty or No Contest, and Order on Petition to Plead Guilty or No Contest*

WOODBURN POLICE DEPARTMENT

CASE REPORT

1060 MT HOOD AVE
WOODBURN OR
97071

CASE# **2022-00011326**

AXON VIDEO

AXON PHOTOS

EVENT	REPORTED DATE/TIME 09/15/2022 04:10	OCCURRED INCIDENT TYPE Hit and Run	CASE STATUS Inactive
	OCCURRED FROM DATE/TIME 09/15/2022 04:10	OCCURRED THRU DATE/TIME 09/15/2022 04:10	LOCATION OF OCCURRENCE KIRKSEY STREET WOODBURN

OFFENSES	STATE DESCRIPTION	CC INITS	ATTEMPT/COMMIT
	811.750 HIT AND RUN - PASSENGER FAIL TO REPORT	1	Committed

SUBJECT	SUBJECT TYPE Suspect	NAME (LAST FIRST MIDDLE SUFFIX) PANIAGUA FERNANDEZ, LUIS FERNANDO					
	DOE [REDACTED]	AGE or AGE RANGE 19	ADDRESS (STREET, CITY, STATE, ZIP) 1084 PANA STREET WOODBURN, OR 97071				
	RACE Hispanic or Latino	SEX Male	HEIGHT or RANGE 505	WEIGHT or RANGE 152	HAIR Bald	EYE Brown	
	DL NUMBER/STATE [REDACTED]	PRIMARY PHONE / PHONE TYPE OR	OTHER PHONE / PHONE TYPE		SSN		

SUBJECT	SUBJECT TYPE Victim	NAME (LAST FIRST MIDDLE SUFFIX) PUBLIC WORKS,					
	DOE	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP) 270 MONTGOMERY STREET WOODBURN, OR 97071				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE / PHONE TYPE	OTHER PHONE / PHONE TYPE WORK PHONE (503)982-5240		SSN		

SUBJECT	SUBJECT TYPE	NAME (LAST FIRST MIDDLE SUFFIX)					
	DOE	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE / PHONE TYPE	OTHER PHONE / PHONE TYPE		SSN		

REPORTING OFFICER Alcorn, Cade, B40	DATE 09/15/2022	REVIEWED BY Carpenter, Geoffrey 09/21/2022
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WOODBURN POLICE DEPARTMENT

CASE REPORT
 1060 MT HOOD AVE
 WOODBURN OR
 97071

CASE# **2022-00011326**

VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	16-Suspect Vehicle		Vehicle - Automobile - 321		
	VEH YR	TYPE/MAKE/MODEL			STYLE
	2022	Auto	TOYOTA	TACOMA	
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
TB36699 / OR	3TYSZ5AN5NT078594				
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE	VIN	TOP COLOR	BOTTOM COLOR	
ADDITIONAL DESCRIPTIVE INFORMATION					

REPORTING OFFICER	DATE	REVIEWED BY
Alcorn, Cade, B40	09/15/2022	Carpenter, Geoffrey 09/21/2022

WOODBURN POLICE DEPARTMENT

CASE REPORT

CASE# 2022-00011326

1060 MT HOOD AVE
WOODBURN OR
97071

NARRATIVE

OFFICER CADE ALCORN

CASE INACTIVE

On September 15, 2022, at approximately 4:12 a.m., I was dispatched to respond to a motor vehicle crash in the area of Ben Brown Drive and Killian Spring Drive in Woodburn, Oregon. Dispatch advised there was one vehicle in the middle of the road and someone was screaming. While I responded to the crash I was told a vehicle had drove up to the crash and was driving away.

I arrived in the area of the Ben Brown Drive and Killian Spring Drive and began attempting to locate the other involved vehicles. I was unsuccessful in finding any vehicles fleeing from the scene.

At approximately 4:36 a.m., I arrived on scene and saw a 2022 Toyota Tacoma with no license plate with significant damage parked in the middle of Kirksey Street. The vehicle was unoccupied with the airbags deployed. I noticed several empty beer bottles inside of the vehicle and one smashed on the roadways blacktop outside of the driver's door.

It appeared the vehicle was driving north bound on Kirksey road and went into the south bound lane. There were black tire marks alongside the curb for approximately 100 feet. The tire marks showed the vehicle's tires had hopped over the curb and began driving on the grass. A few trees were knocked out of the ground and the vehicle collided with fire hydrant that was bolted into the ground. The vehicle knocked the fire hydrant out of the ground and a few feet into roadway. The vehicle left tire marks in the roadway where it had spun out and came to a stop in facing south bound in the north bound lane of travel.

I asked dispatch to have a tow company respond to my location for a hit and run crash and the vehicle being a hazard. I performed an inventory of the vehicle and found plates for the vehicle located inside. The plates of the vehicle were numbered TB36699.

I ran the VIN/plates and the vehicle came back to Luis Paniagua Fernandez. I looked at the registered owner's information and went to 765 S. Pacific Highway Unit 5, Woodburn, Oregon. I was advised by the homeowners Luis did not live there and lived at 1084 Pana St., Woodburn, Oregon.

I went to 1084 Pana St. and spoke and was advised Luis was in his room sleeping. I talked with Luis who had a strong odor commonly associated with that of an alcoholic beverage emanating from his person. Luis was sleeping in jeans and a long sleeve t-shirt and was denying being in the accident. I asked Luis where he was at and he told me he had been sleeping and had work in the morning. Luis told me he did not know where his vehicle was and did not know it was not in the driveway of the residence. I did not observe visible injury on Luis and Luis would not admit to being the operator of the vehicle.

End of report.

REPORTING OFFICER	DATE	REVIEWED BY
Alcorn, Cade, B40	09/15/2022	Carpenter, Geoffrey 09/21/2022



OREGON POLICE TRAFFIC CRASH REPORT

PAGE **1** OF **2**

POLICE INCIDENT / CASE NUMBER 2022-00011326	CRASH DATE 09/15/2022	DAY OF WEEK M T W T H F S S N	CRASH TIME 04:10 AM PM	POLICE NOTIFIED 04:12 AM PM	POLICE ARRIVAL 04:36 AM PM	DMV FILE NUMBER
---	---------------------------------	---	----------------------------------	---------------------------------------	--------------------------------------	-----------------

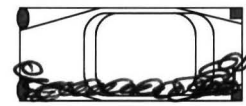
COUNTY Marion	ROAD ON WHICH CRASH OCCURRED Kirksey Road	LATITUDE 45.137788	LONGITUDE -122.873856	MILE POST N/A	DMV CODE
-------------------------	---	------------------------------	---------------------------------	-------------------------	----------

<input checked="" type="checkbox"/> WITHIN _____ FEET N S OF NEAREST INTERSECTING ROAD	<input checked="" type="checkbox"/> WITHIN _____ FEET N S OF NEAREST CITY / TOWN
<input type="checkbox"/> NEAR .25 MILES E W Ben Brown Drive	<input type="checkbox"/> NEAR _____ MILES E W Woodburn
<input type="checkbox"/> PROPERTY DAMAGE <input type="checkbox"/> PUBLIC PROPERTY DAMAGE ESTIMATE: <input type="checkbox"/> UNDER \$2500 <input type="checkbox"/> OVER \$2500 <input type="checkbox"/> UNKNOWN	<input type="checkbox"/> HAZ. MATERIALS <input type="checkbox"/> PHOTOS TAKEN <input type="checkbox"/> TRAIN R/R <input type="checkbox"/> TRUCK / BUS

UNIT # 1	NAME (LAST, FIRST, MIDDLE) Paniagua Fernandez, Luis Fernando	STATE OR	SEX M	RACE H	
PED BIC	ADDRESS 1084 Pana St., Woodburn, Oregon	PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> CELL ()			
PRK PRP	VEHICLE OWNER <input checked="" type="checkbox"/> SAME	PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> CELL ()			

FIRE <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	STD SPD 25	PST SPD	INSURANCE COMPANY <input type="checkbox"/> NONE Alpha Property+Casualty	INSURANCE POLICY NUMBER 5198206					
EJECTD <input type="checkbox"/> Y <input type="checkbox"/> P <input type="checkbox"/> N	EXTRCTD <input type="checkbox"/> Y <input type="checkbox"/> N	VEHICLE IDENTIFICATION NUMBER (VIN) 3TYSZ5AN5NT078594	LICENSE PLATE NUMBER TB36699	STATE OR	YEAR 2022	MAKE Toyota	MODEL Tacoma	STYLE 4DR	COLOR Gry

VEHICLE TOWED DUE TO VEHICLE DAMAGE <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN	DRIVER TAKEN: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN
BY: Baker and Baker	TO: Baker and Baker

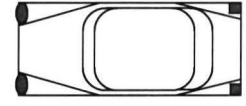
VEHICLE DAMAGE	MARK ALL THAT APPLY: DAMAGE ESTIMATE <input type="checkbox"/> ROLLOVER <input type="checkbox"/> NONE <input type="checkbox"/> UNDERCAR <input type="checkbox"/> UNDER \$2500 <input type="checkbox"/> TOTALED <input checked="" type="checkbox"/> OVER \$2500 <input type="checkbox"/> UNKNOWN	INJURY: <input type="checkbox"/> NO APPARENT <input checked="" type="checkbox"/> POSSIBLE <input type="checkbox"/> SUSPECTED MINOR <input type="checkbox"/> SUSPECTED SERIOUS <input type="checkbox"/> FATAL
		EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHLD RST-PRP <input checked="" type="checkbox"/> A/BAG-DEPLYD <input type="checkbox"/> NONE INSTLD <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHLD RST-IMPR <input type="checkbox"/> A/BAG-NOT DP
ACTION / ARREST / CITES		

SUSPECT NAME Luis Fernando Paniagua Fernandez	AKA	IN CUSTODY <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
ADDRESS 1084 Pana St., Woodburn, Oregon	OTHER INFORMATION:	
SEX M	RACE H	HT 5'05
WT 152	HAIR Black	EYES Brown
LOCAL ID		

UNIT #	NAME (LAST, FIRST, MIDDLE) City of Woodburn Public Works	DRIVER LICENSE NUMBER	STATE	SEX	RACE	DOB
PED BIC	ADDRESS 270 Montgomery St., Woodburn, Oregon	PHONE: <input type="checkbox"/> HOME <input checked="" type="checkbox"/> WORK <input type="checkbox"/> CELL (503) 982-5240				
PRK PRP	VEHICLE OWNER <input type="checkbox"/> SAME	PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> CELL ()				

FIRE <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	STD SPD	PST SPD	INSURANCE COMPANY <input type="checkbox"/> NONE	INSURANCE POLICY NUMBER					
EJECTD <input type="checkbox"/> Y <input type="checkbox"/> P <input type="checkbox"/> N	EXTRCTD <input type="checkbox"/> Y <input type="checkbox"/> N	VEHICLE IDENTIFICATION NUMBER (VIN)	LICENSE PLATE NUMBER	STATE	YEAR	MAKE	MODEL	STYLE	COLOR

VEHICLE TOWED DUE TO VEHICLE DAMAGE <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN	DRIVER TAKEN: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN
BY:	TO:

VEHICLE DAMAGE	MARK ALL THAT APPLY: DAMAGE ESTIMATE <input type="checkbox"/> ROLLOVER <input type="checkbox"/> NONE <input type="checkbox"/> UNDERCAR <input type="checkbox"/> UNDER \$2500 <input type="checkbox"/> TOTALED <input type="checkbox"/> OVER \$2500 <input checked="" type="checkbox"/> UNKNOWN	INJURY: <input type="checkbox"/> NO APPARENT <input type="checkbox"/> POSSIBLE <input type="checkbox"/> SUSPECTED MINOR <input type="checkbox"/> SUSPECTED SERIOUS <input type="checkbox"/> FATAL
		EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHLD RST-PRP <input type="checkbox"/> A/BAG-DEPLYD <input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHLD RST-IMPR <input type="checkbox"/> A/BAG-NOT DP
ACTION / ARREST / CITES		

UNIT # <input type="checkbox"/> PASSENGER NAME <input type="checkbox"/> WITNESS	ADDRESS
SEX RACE DOB	PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> CELL ()
PASSENGER TAKEN: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN	BY: TO:
INJURY: <input type="checkbox"/> NO APPARENT <input type="checkbox"/> POSSIBLE <input type="checkbox"/> SUSP MINOR <input type="checkbox"/> SUSP SERIOUS <input type="checkbox"/> FATAL	LOCATION LF CF RF LR CR RR OTHER: EJECTD EXTRCTD Y P N Y N
EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHLD RST-PRP <input type="checkbox"/> A/BAG-DEPLYD	<input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHLD RST-IMPR <input type="checkbox"/> A/BAG-NOT DP

UNIT # <input type="checkbox"/> PASSENGER NAME <input type="checkbox"/> WITNESS	ADDRESS
SEX RACE DOB	PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> CELL ()
PASSENGER TAKEN: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN	BY: TO:
INJURY: <input type="checkbox"/> NO APPARENT <input type="checkbox"/> POSSIBLE <input type="checkbox"/> SUSP MINOR <input type="checkbox"/> SUSP SERIOUS <input type="checkbox"/> FATAL	LOCATION LF CF RF LR CR RR OTHER: EJECTD EXTRCTD Y P N Y N
EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHLD RST-PRP <input type="checkbox"/> A/BAG-DEPLYD	<input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHLD RST-IMPR <input type="checkbox"/> A/BAG-NOT DP

UNIT # <input type="checkbox"/> PASSENGER NAME <input type="checkbox"/> WITNESS	ADDRESS
SEX RACE DOB	PHONE: <input type="checkbox"/> HOME <input type="checkbox"/> WORK <input type="checkbox"/> CELL ()
PASSENGER TAKEN: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNKNOWN	BY: TO:
INJURY: <input type="checkbox"/> NO APPARENT <input type="checkbox"/> POSSIBLE <input type="checkbox"/> SUSP MINOR <input type="checkbox"/> SUSP SERIOUS <input type="checkbox"/> FATAL	LOCATION LF CF RF LR CR RR OTHER: EJECTD EXTRCTD Y P N Y N
EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHLD RST-PRP <input type="checkbox"/> A/BAG-DEPLYD	<input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHLD RST-IMPR <input type="checkbox"/> A/BAG-NOT DP

DISTRIBUTION City Of Woodburn Public Works - Jeff Crabtree	OFFICER NAME / NUMBER C. Alcorn 59057	DATE 09/20/2022	AGENCY Woodburn PD	APPROVED BY 
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Check ONE box in all categories. Check ALL boxes that apply in categories with (★).

<p>FIRST HARMFUL EVENT</p> <p>NON COLLISION</p> <input type="checkbox"/> OVERTURN <input type="checkbox"/> FIRE / EXPLOSION <input type="checkbox"/> IMMERSION <input type="checkbox"/> GAS INHALATION <input type="checkbox"/> OTHER NON COLLISION <input type="checkbox"/> MEDICAL (Explain): <p>COLLISION WITH</p> <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> PARKED MOTOR VEHICLE <input type="checkbox"/> RAILWAY TRAIN <input type="checkbox"/> BICYCLIST <p>CRASH TYPE</p> <input type="checkbox"/> HEAD ON <input type="checkbox"/> REAR END <input checked="" type="checkbox"/> ANGLE <input type="checkbox"/> SIDESWIPE <input type="checkbox"/> SECONDARY CRASH <input type="checkbox"/> MANNER UNKNOWN <p>FIXED OBJECT</p> <input type="checkbox"/> BARRICADE <input type="checkbox"/> BOULDER / ROCK <input type="checkbox"/> BRIDGE O/PASS or RAILING <input type="checkbox"/> BUILDING <input type="checkbox"/> CULVERT HEADWALL <input type="checkbox"/> CURBING <input type="checkbox"/> DITCH <input type="checkbox"/> DIVIDER - CNCRT or STEEL <input type="checkbox"/> FENCE - NOT MEDIAN <input checked="" type="checkbox"/> FIRE HYDRANT <input type="checkbox"/> HIGHWAY GUARDRAIL <input type="checkbox"/> HIGHWAY SIGN <input type="checkbox"/> IMPACT ABSORBER <input type="checkbox"/> LIGHT STANDARD <input type="checkbox"/> MAILBOX <input type="checkbox"/> OVERHEAD SIGN POST <input type="checkbox"/> OVERHEAD STRUCTURE <input type="checkbox"/> PIER or COLUMN <input type="checkbox"/> RETAINING WALL <input type="checkbox"/> SIDESLOPE EARTH <input type="checkbox"/> SIDESLOPE ROCK or STONE <input type="checkbox"/> TRAFFIC SIGNAL POST <input type="checkbox"/> TREE <input type="checkbox"/> UNDERPASS TUNNEL <input type="checkbox"/> UTILITY POLE <input type="checkbox"/> OTHER FIXED (Explain): <p>OTHER OBJECT (NOT FIXED)</p> <input type="checkbox"/> ANIMAL <input type="checkbox"/> THROWN / FALLING OBJECT <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER OBJECT (Explain): <p>EVENT LOCATION</p> <p>ON ROADWAY</p> <input checked="" type="checkbox"/> NON-INTERSECTION <input type="checkbox"/> INTERSECTION <input type="checkbox"/> INTERSECTION RELATED <input type="checkbox"/> DRIVEWAY ACCESS <input type="checkbox"/> INTERCHANGE AREA <input type="checkbox"/> RAILROAD CROSSING <input type="checkbox"/> BRIDGE <input type="checkbox"/> TUNNEL <input type="checkbox"/> OTHER ON-ROAD AREA <p>OFF ROADWAY</p> <input type="checkbox"/> SHOULDER <input type="checkbox"/> TURNOUT <input type="checkbox"/> ROADSIDE <input type="checkbox"/> BEYOND RIGHT OF WAY <input type="checkbox"/> MEDIAN <input type="checkbox"/> DRIVEWAY <input type="checkbox"/> PRIVATE DRIVE <input type="checkbox"/> RAILROAD CROSSING <input type="checkbox"/> OTHER OFF ROAD <input type="checkbox"/> PARKING LOT <input type="checkbox"/> UNKNOWN <p>SPECIAL ZONE</p> <input checked="" type="checkbox"/> NONE <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> MAINTENANCE - ORS 811.230 <input type="checkbox"/> UTILITY <input type="checkbox"/> SNOW <input type="checkbox"/> SCHOOL <input type="checkbox"/> UNKNOWN WORK <input type="checkbox"/> OTHER	<p>WEATHER</p> <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY (OVERCAST) <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> SLEET / HAIL / ETC <input type="checkbox"/> FOG / SMOG <input type="checkbox"/> SMOKE <input type="checkbox"/> BLOWING SAND / DIRT <input type="checkbox"/> SEVERE CROSSWIND <input type="checkbox"/> OTHER / UNKNOWN <p>SURFACE CONDITION</p> <p>#1 #2</p> <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> SNOW / SLUSH <input type="checkbox"/> ICY <input type="checkbox"/> MUDDY <input type="checkbox"/> DEBRIS <input type="checkbox"/> RUTS / HOLES / BUMPS <input type="checkbox"/> WORN / POLISHED <input type="checkbox"/> LOW / SOFT SHOULDER <input type="checkbox"/> OTHER (Explain): <p>SURFACE TYPE</p> <p>#1 #2</p> <input type="checkbox"/> CONCRETE <input checked="" type="checkbox"/> BLACKTOP / ASPHALT <input type="checkbox"/> GRAVEL <input type="checkbox"/> DIRT <input type="checkbox"/> OTHER <p>LIGHT</p> <input type="checkbox"/> FULL DAYLIGHT <input type="checkbox"/> DAWN <input type="checkbox"/> DUSK <input checked="" type="checkbox"/> DARK - LIGHTED WAY <input type="checkbox"/> DARK - NOT LIGHTED <input type="checkbox"/> UNKNOWN <p>TRAFFIC CONTROL TYPE</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> SCHOOL BUS LIGHTS <input type="checkbox"/> OFFICER / CROSSING GUARD or FLAGGER <input type="checkbox"/> TRAFFIC SIGNAL w/ PEDESTRIAN CONTROL <input type="checkbox"/> TRAFFIC SIGNAL <input type="checkbox"/> FLASHING BEACON <input type="checkbox"/> STOP SIGN <input type="checkbox"/> YIELD SIGN <input type="checkbox"/> RR CROSSING GATES <input type="checkbox"/> RR CROSSING BUCKS <input type="checkbox"/> RR FLASHING SIGNAL <input type="checkbox"/> RR CROSSING w/ PAVEMENT MARKINGS <input type="checkbox"/> LANE CONTRLS / LINES / STRIPES / DEVICES <input type="checkbox"/> SCHOOL SIGNAL <input type="checkbox"/> OTHER REG SIGN <input type="checkbox"/> TURN LANES <input type="checkbox"/> UNKNOWN <p>TRAFFIC CONTROL DEVICE CONDITION</p> <p>#1 #2</p> <input type="checkbox"/> NO MALFUNCTION <input type="checkbox"/> DOWN / MISSING <input type="checkbox"/> TURNED FROM PROPER POSITION <input type="checkbox"/> OBSCURED BY OTHER SIGNS <input type="checkbox"/> OBSCURED BY PARKED VEHICLE <input type="checkbox"/> OBSCURED BY VEGETATION <input type="checkbox"/> LIGHTS MALFUNCTION <input type="checkbox"/> LIGHTS STUCK <input type="checkbox"/> GATES INOPERATIVE <input type="checkbox"/> GATE ARM MISSING <input type="checkbox"/> OTHER RR MALFUNCTN <input type="checkbox"/> OTHER IMPAIRMENT <input checked="" type="checkbox"/> UNKNOWN	<p>ROAD CHARACTER</p> <p>#1 #2</p> <input type="checkbox"/> STRAIGHT and LEVEL <input type="checkbox"/> STRAIGHT w/ GRADE <input checked="" type="checkbox"/> CURVED and LEVEL <input type="checkbox"/> CURVED w/ GRADE <p>VEH #1 <u>1</u> NUMBER OF LANES</p> <p>VEH #2 — NUMBER OF LANES</p> <p>2 TOTAL NUMBER OF LANES</p> <p>ROAD FLOW</p> <p>#1 #2</p> <input type="checkbox"/> ONE WAY TRAFFIC <input checked="" type="checkbox"/> NOT PHYSLY DIVIDED <p>MEDIAN TYPE</p> <input type="checkbox"/> UNPAVED <input type="checkbox"/> BARRIER <input type="checkbox"/> PAVED <input type="checkbox"/> CONT LEFT TURN <p>DRIVER LICENSE VIOLATION</p> <p>DRIVER</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> INSTRUCTION PERMIT <input type="checkbox"/> LICENSE RESTRICTION <input type="checkbox"/> EXPIRED LICENSE <input type="checkbox"/> OUT OF CLASS <input type="checkbox"/> SUSPND / REVOKED <input type="checkbox"/> UNLICENSED <p>★ DRIVER FACTORS</p> <p>DRIVER</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> CELL PHONE USE <input type="checkbox"/> OBSTRUCTED VIEW <input type="checkbox"/> FAILED TO YIELD ROW <input type="checkbox"/> DISRGRD TRAF SIGN <input type="checkbox"/> TOO FAST FOR COND <input type="checkbox"/> MADE IMPROPER TURN <input type="checkbox"/> WRONG SIDEWAY <input type="checkbox"/> FOLLOW TOO CLOSELY <input type="checkbox"/> IMPROPER LANE CHNG <input type="checkbox"/> IMPROPER BACKING <input type="checkbox"/> IMPROPER PASSING <input type="checkbox"/> IMPROPER SIGNAL <input type="checkbox"/> IMPROPER PARKING <input type="checkbox"/> FATIGUE / DROWSY <input type="checkbox"/> ILL <input type="checkbox"/> BLACKOUT <input type="checkbox"/> INATTENTIVE <input type="checkbox"/> DISTRACTED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> IMPROP RESTR EQP USE <input type="checkbox"/> OTHER (Explain): <p>★ IMPAIRMENT</p> <p>DRIVER</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> UNDER INFL - DRUGS <input type="checkbox"/> UNDER INFL - ALCOHOL <input type="checkbox"/> UNDER INFL - MEDS <input type="checkbox"/> UNDER INFL-MARIJUANA <input type="checkbox"/> UNKNOWN <p>DETERMINED BY:</p> <input type="checkbox"/> INTOXILYZER TEST <input type="checkbox"/> BLOOD OR URINE TEST <input type="checkbox"/> FIELD SOB. TEST <input type="checkbox"/> OBSERVED (SPEECH, ODOR, ETC.) <input type="checkbox"/> DRE EVALUATION <input type="checkbox"/> STATEMENTS <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Explain): <p>RESULTS OF TEST:</p> <p>D1 _____% D2 _____%</p> <input type="checkbox"/> NO TEST GIVEN <input type="checkbox"/> TEST REFUSED <input type="checkbox"/> TESTED FOR DRUGS <input type="checkbox"/> RESLTS NOT AVAILABLE	<p>★VEH RELATED FACTORS</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> BRAKES <input type="checkbox"/> STEERING <input type="checkbox"/> POWER PLANT <input type="checkbox"/> SUSPENSION <input type="checkbox"/> TIRES <input type="checkbox"/> EXHAUST <input type="checkbox"/> LIGHTS <input type="checkbox"/> SIGNALS <input type="checkbox"/> WINDOWS / WINDSHLD <input type="checkbox"/> RESTRAINT SYSTEM <input type="checkbox"/> WHEELS <input type="checkbox"/> COUPLING <input type="checkbox"/> CARGO <input type="checkbox"/> OTHER <p>VEHICLE MOVEMENT</p> <p>#1 #2</p> <input type="checkbox"/> BACKING <input type="checkbox"/> STOPPED <input type="checkbox"/> STRAIGHT AHEAD <input type="checkbox"/> TURNING RIGHT <input type="checkbox"/> TURNING LEFT <input type="checkbox"/> MAKING U-TURN <input type="checkbox"/> ENTER TRAFFIC LANE <input type="checkbox"/> LEAVE TRAFFIC LANE <input type="checkbox"/> OVERTAKING <input type="checkbox"/> CHANGING LANES <input type="checkbox"/> AVOIDING MANUEVER <input type="checkbox"/> MERGING <input type="checkbox"/> PARKING <input checked="" type="checkbox"/> NEGOTIATING A CURVE <input type="checkbox"/> OTHER <p>TRAILER TYPE</p> <p>#1 #2</p> <input type="checkbox"/> LOG BUNK <input type="checkbox"/> SEMITRAILER <input type="checkbox"/> POLE TRAILER <input type="checkbox"/> FULL TRAILER <input type="checkbox"/> MOBILE HOME <input type="checkbox"/> UTILITY TRAILER <input type="checkbox"/> TRAVEL TRAILER <input type="checkbox"/> BOAT TRAILER <input type="checkbox"/> FARM EQUIPMENT <input type="checkbox"/> HORSE TRAILER <input type="checkbox"/> VEHICLE IN TOW <input type="checkbox"/> OTHER / UNKNOWN	<p>TRUCK CONFIGURATION</p> <p>#1 #2</p> <input type="checkbox"/> TRUCK (2 or 3 AXLE) <input type="checkbox"/> TRUCK / TRACTOR-SEMI <input type="checkbox"/> TRUCK and TRAILER <input type="checkbox"/> DOUBLE TRAILERS <input type="checkbox"/> TRIPLE TRAILERS <input type="checkbox"/> DROMEDARY and SEMI <input type="checkbox"/> HEAVY HAUL CONFIG <input type="checkbox"/> BUS <input type="checkbox"/> OTHER (Explain): <p>★ PASSENGER FACTORS</p> <p>PASS UNIT #1</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> INTERFERED w/DRIVER <input type="checkbox"/> UNDER INFL - DRUGS <input type="checkbox"/> UNDER INFL - ALCOHOL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> IMPROP RESTR EQP USE <input type="checkbox"/> OTHER (Explain) <p>PASS UNIT #2</p> <p>#1 #2</p> <input type="checkbox"/> NONE <input type="checkbox"/> INTERFERED w/DRIVER <input type="checkbox"/> UNDER INFL - DRUGS <input type="checkbox"/> UNDER INFL - ALCOHOL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> IMPROP RESTR EQP USE <input type="checkbox"/> OTHER (Explain): <p>PEDESTRIAN LOCATION</p> <p>IN ROAD</p> <input type="checkbox"/> IN X-WALK <input type="checkbox"/> NOT IN X-WALK <input type="checkbox"/> NO X-WALK AVAILABLE <p>INTERSECTION</p> <input type="checkbox"/> IN X-WALK <input type="checkbox"/> NOT IN X-WALK <input type="checkbox"/> NO X-WALK AVAILABLE <p>OTHER</p> <input type="checkbox"/> NOT IN ROADWAY <input type="checkbox"/> SHOULDER <input type="checkbox"/> MEDIAN <input type="checkbox"/> BIKE LANE <input type="checkbox"/> UNKNOWN	<p>PEDESTRIAN TYPE</p> <input checked="" type="checkbox"/> NONE <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> BICYCLIST <input type="checkbox"/> CONVEYANCE <input type="checkbox"/> WHEELCHAIR <input type="checkbox"/> ANIMAL RIDER <input type="checkbox"/> RIDER of ANIM DRAWN VEH <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Explain): <p>ENTER / CROSS ROAD</p> <input type="checkbox"/> WALK / RIDE w/TRAFF <input type="checkbox"/> WALK / RIDE AGAINST <input type="checkbox"/> STEP ON / OFF VEHICLE <input type="checkbox"/> STEP ON / OFF SCH BUS <input type="checkbox"/> APPRCH / LEAVE SC BUS <input type="checkbox"/> APPROACH / LEAVE VEH <input type="checkbox"/> WORK / PUSHING VEHICLE <input type="checkbox"/> OTHER WORKING <input type="checkbox"/> PLAYING <input type="checkbox"/> STANDING <input type="checkbox"/> LYING DOWN <input type="checkbox"/> UNKNOWN <p>PED / BIKE VISIBILITY</p> <p>CLOTHING</p> <input type="checkbox"/> NO CONTRAST w/BKGRND <input type="checkbox"/> CONTRASTED w/BKGRND <input type="checkbox"/> REFLECTIVE <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER LIGHT SOURCE <input type="checkbox"/> UNKNOWN <p>★ PED / BIKE FACTORS</p> <input type="checkbox"/> NONE <input type="checkbox"/> FAILED TO YIELD ROW <input type="checkbox"/> DISREGARD TRAFFIC SIGN <input type="checkbox"/> ILLEGALLY IN ROAD <input type="checkbox"/> EQUIPMENT VIOLATION <input type="checkbox"/> CLOTHING NOT VISIBLE <input type="checkbox"/> UNDER INFL - DRUGS <input type="checkbox"/> UNDER INFL - ALCOHOL <input type="checkbox"/> INATTENTIVE <input type="checkbox"/> DISTRACTED <input type="checkbox"/> CELL PHONE <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Explain):				
					<p>SKETCH & NARRATIVE UNIT 1 2</p> <p style="text-align: center;"> ↑ </p> <p>(NOT TO SCALE) SKID MARKS TO (FEET) _____</p> <p>DISTANCE AFTER (FEET) _____</p>				
					<p>Unit 1 was heading north bound on Kirskey Road towards Ben Brown Drive. Unit 1 went into oncoming south bound lane and drove with its tires driver side tires against the curb. Unit 1 hopped the curb and drove in the grass near the sidewalk before hitting a yellow fire hydrant and knocking it completely out of the ground.</p> <p>Unit 1 continued negotiating the curve and came back onto roadway before spinning out. There was extensive damage to the driver side of the vehicle with all airbags deployed. Unit 1 came to a rest facing west in the north bound lane.</p>				

Woodburn Police Department
 1060 Mt. Hood Avenue
 Woodburn, Oregon 97071
 (503) 982-2345



22-11326

TOWED VEHICLE NOTICE

A motor vehicle in which you have a legal interest has been identified as being in violation of state law and has been taken into custody and removed by the Woodburn Police Department. It is being stored at your expense until such time as the person(s) entitled to possession of the motor vehicle provide proof of ownership and compliance with financial responsibility requirements under Oregon state law.

The vehicle has been taken to the following towing and storage facility in Woodburn, OR:

Baker & Baker AAA, 2875 Newberg Hwy (503)981-9597 [] M&M Towing, 947 S Pacific Hwy (503)982-2751

TOWING AND STORAGE CHARGES:

The vehicle is subject to towing and storage charges. You can contact the above listed facility for information on the exact charges that must be paid before the vehicle will be released and procedures for obtaining release of the vehicle.

LIEN FOR TOWING AND STORAGE CHARGES:

The vehicle and its contents are subject to a lien for towing and storage charges and will be subject to sale by the towing and storage facility where it is located.

TO CLAIM THE VEHICLE:

You may claim your motor vehicle by providing proof of ownership or the right to possession and either payment of the towing & storage charges or the deposit of cash security or a bond equal to the amount of the charges. You must also provide written documentation of ownership and written, verifiable, insurance documentation from an insurance company. You must obtain a release from the police department (on Monday through Friday from 8:00 a.m. until 5:00 p.m.) in order for your motor vehicle to be released by the towing company. The police department will charge you an administrative fee of \$150.00 to provide for the release of your motor vehicle. (no personal checks accepted)

REQUEST FOR HEARING:

If you want to contest the validity of the towing of your motor vehicle, or the reasonableness of the storage charges, you may request a hearing. You must file your request in writing with the Woodburn Municipal Court, 270 Montgomery Street, Woodburn, Oregon, 97071. **Your request must be made within five (5) calendar days after the motor vehicle was impounded.**

Location: KIRKSEY ST.; WOODBURN, OR
 Police Officer: ALCORN D.P.S.S.T. #: 59057
 Date/Time: 09/15/22 04:40 A.M. Citation Number: _____
 Vehicle License #: TB36699 Make: TOYOTA Color: GRY

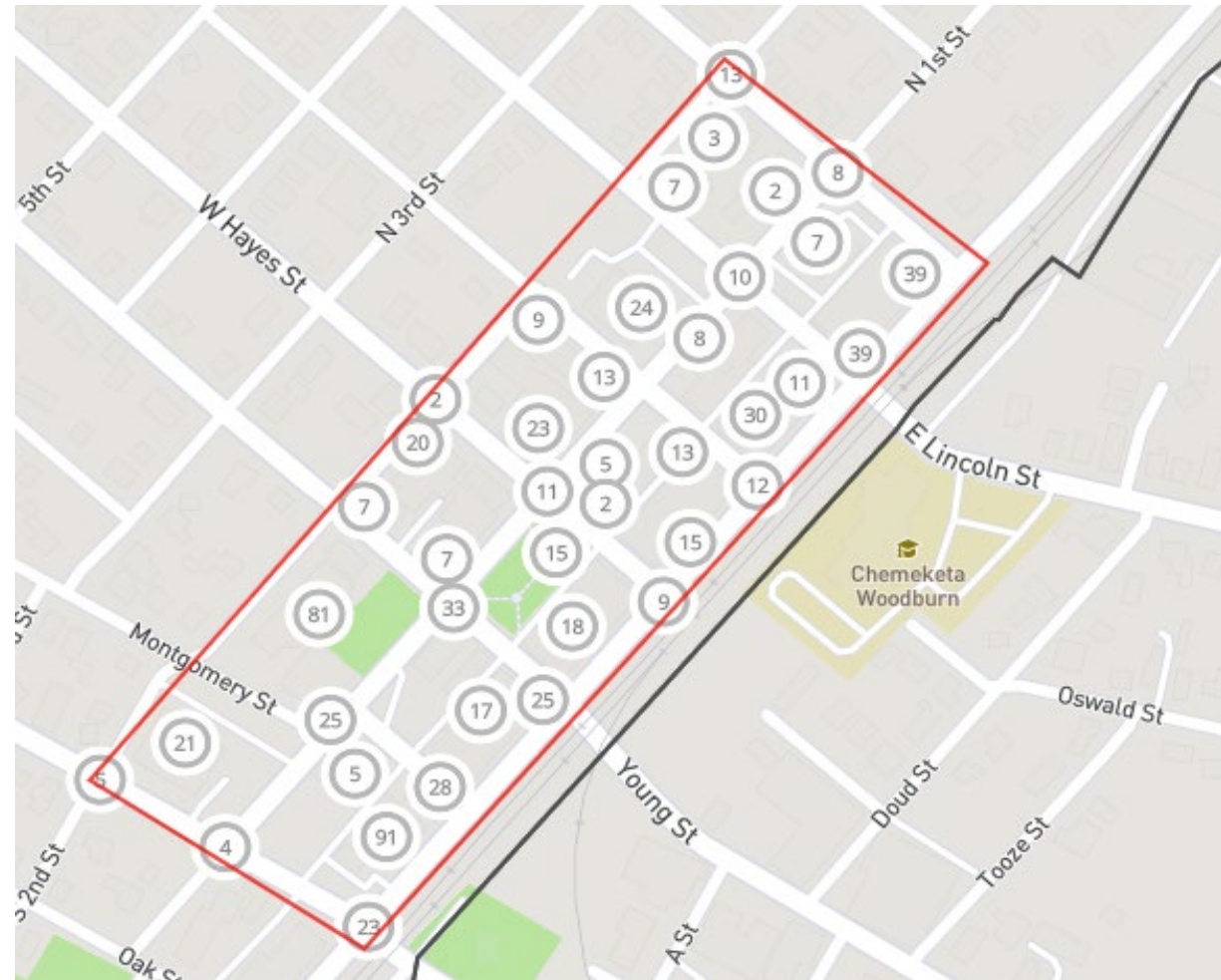
CONDITION	YES	NO	ITEM	YES	NO	ITEM	YES	NO	TIRES/WHEELS	YES	NO	ITEM	IDENTIFICATION No.
WRECKED	X		SEAT (FRONT)	X		MONEY		X	LEFT FRONT	X		CAMPER	
BURNED		X	SEAT (REAR)	X		CAR SEAT		X	RIGHT FRONT	X		CARGO	
VANDALIZED		X	RADIO	X					LEFT REAR	X			
BODY METAL/ STRIP		X	TAPE DECK/ CD PLAYER	X		TOOLS		/	RIGHT REAR	X		TRAILER	
MISC PARTS STRIP		X	TAPES/CDS		X	MISC:		/	SPARE	/		OTHER	
ENG/TRANS STRIP		X	CLOTHING	/				/	HUB CAPS	/			
VIN SWITCH		X	IGNITION KEY	X				/	SPECIAL WHEELS	/			

In addition to any other statutory authority to tow this vehicle I am also towing this vehicle for Community Caretaking pursuant to ORS 133.033(2)(a)(A) or (2)(b)(a) because I cannot be assured that the vehicle or its contents will not come to serious harm or theft if left at its current location.

VEHICLE INVOLVED IN HET & RUN. LEFT UNLOCKED, AIRBAGS DEPLOYED,

Downtown Core calls for service 07/14/2023-07/14/2025

Call Type	Calls
TRES	74
TRF	72
SUSP PERSON/VEHICLE	55
INTOX SUBJECT	37
PUBL	35
FIR	28
ABATG	22
SUSP ACTIVITY	21
ALRM AUDIBLE	20
GRAF	19
WRNT	19
AREA	18
FOOT PATROL	16
MVA NON INJ	16
EDP	15
ORD	14
DIST	14
WELFARE CHECK	14
LOIT	13
ANIM	12
HIT RUN	12
THEFT COLD	12
FRAUD COLD	12
ATL	11
ILLEGAL CAMPING	10
PARKING VIOLATION	10
PROPERTY	8
DUII	8
EXTRA	7
ABAN	7
VAND	7
SHOTS HEARD	6
HARS	6
ASLT	6
THEFT 1	6
CIVIL	5
EVAL F	4
BURG COLD	4
DRUG	4
TRFA	4
ALRM SILENT/HOLDUP	4
911 HANGUP	4
INFO	3
AOA	2
FOUND CHILD	2
FRAUD 1	2
DRIV	2
LIQ	2
MENACE	2
MVA INJURY F	2
ORD TALL GRASS	2
ROBBERY ARMED	2
RSTR	2
SEX OFFENSE	2
TEST CAD PD	2
UNK MED F	2
UNC F	1
FAMD NC	1
GUN	1
KDNP	1
SICK F	1
SUIC THREAT	1
BURG 1	1
BLEED F	1
ELUDE	1
JUV PROBLEM	1
BACKYARD F	1
THREATS	1
DOA	1
FAMD	1
CARD F	1
ORDS	1
HEAD F	1
NOISE	1
MEDIC STANDBY F	1
DHS	1
Total Calls	740



License No.	Premises No.	Effective Date	Expiration	Tradename	Licensee Name	Type	License Action	Premises Street Address	Premises City	Prem County	Prem State	Prem Zip
379337	40170	4/1/24	3/31/25	A & J MARKET	THAPAS CORPORATION	O		134 HARRISON ST	WOODBURN	MARION	OR	97071
381299	64490	4/1/24	3/31/25	ALEBRIJES MARKET	ALEBRIJES MARKET LLC	O		425 N 1ST ST	WOODBURN	MARION	OR	97071
381776	65998	4/1/24	3/31/25	CASA MARQUEZ MEXICAN GRILL	MDI CORPORATION CASA MARQUEZ MEXICAN GRILL	F-COM		553 N. FRONT STREET	WOODBURN	MARION	OR	97071
379778	42438	4/1/24	3/31/25	EL TULE TAQUERIA	VICENTA ZARAGOZA CABRERA	L		450 N FIRST ST	WOODBURN	MARION	OR	97071
379803	27173	4/1/24	3/31/25	EZ STOP GROCERY & DELI	BAAJ CORPORATION	O		111 N FRONT ST	WOODBURN	MARION	OR	97071
382511	54609	4/1/24	3/31/25	HUERTA'S MARKET LLC	HUERTA'S MARKET LLC	O		311 N FRONT ST STE B	WOODBURN	MARION	OR	97071
381563	65924	4/1/24	3/31/25	LA CASA DE LOS MACHETES	LA CASA DE LOS MACHETES LLC	L		445 N 1ST ST	WOODBURN	MARION	OR	97071
380100	54010	4/1/24	3/31/25	LOS CUATRO HERMANOS MEXICAN RESTAURANT	TRAPALA BREWPUB & ROTISSERIA LLC	F-COM		152 GARFIELD ST	WOODBURN	MARION	OR	97071
383624	64177	4/5/24	3/31/25	LOS HERMANOS CHAPIN	LOS HERMANOS CHAPIN INC	O		153 GRANT ST	WOODBURN	MARION	OR	97071
380584	65652	4/1/24	3/31/25	SANTA ANA MEXICAN FOOD	SANTA ANA MEXICAN FOOD LLC	L		537 N FRONT ST	WOODBURN	MARION	OR	97071
381413	64808	4/1/24	3/31/25	SUPER MERCADO LOS TARASCAS	SUPER MERCADO LOS TARASCAS CORP	O		397 N FRONT ST	WOODBURN	MARION	OR	97071
381502	62538	4/1/24	3/31/25	TEQUILA'S BISTRO BAR	TEQUILA'S BISTRO BAR LLC	F-COM		347 N FRONT ST #3	WOODBURN	MARION	OR	97071
380893	51907	4/1/24	3/31/25	TRAPALA RESTAURANT	TRAPALA RESTAURANT LLC	F-COM		430 N 1ST ST	WOODBURN	MARION	OR	97071

WOODBURN POLICE DEPARTMENT

CASE# **2023-00008905**

CASE REPORT

1060 MT HOOD AVE
WOODBURN OR
97071

AXON VIDEO

AXON PHOTOS

EVENT	REPORTED DATE/TIME 07/15/2023 19:43	OCCURRED INCIDENT TYPE Criminal Mischief	CASE STATUS Inactive
	OCCURRED FROM DATE/TIME 07/15/2023 19:43	OCCURRED THRU DATE/TIME 07/15/2023 19:43	LOCATION OF OCCURRENCE 553 FRONT STREET GRANT ST / E LINCOLN ST, W LINCOLN ST WOODBURN

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	164.345 CRIMINAL MISCHIEF III (VANDALISM)	1	Attempted

SUBJECT	SUBJECT TYPE Suspect	NAME (LAST FIRST MIDDLE SUFFIX) ZIRANGUA, IZABEL					
	AGE or AGE RANGE 28	ADDRESS (STREET, CITY, STATE, ZIP) 990 PACIFIC 12 WOODBURN, OR 97071					
	RACE Hispanic or Latino	SEX Female	HEIGHT or RANGE 52	WEIGHT or RANGE 130	HAIR Brow	EYE Brown	
	DL NUMBER/STATE	PRIMARY PHONE / PHONE TYPE (503)619-5402 HOME	OTHER PHONE / PHONE TYPE		SSN		

SUBJECT	SUBJECT TYPE Victim	NAME (LAST FIRST MIDDLE SUFFIX) ZEPEDA, NORMA					
	AGE or AGE RANGE 34	ADDRESS (STREET, CITY, STATE, ZIP) 2692 DUKE STREET WOODBURN, OR 97071					
	RACE Hispanic or Latino	SEX Female	HEIGHT or RANGE 507	WEIGHT or RANGE 170	HAIR Blac	EYE Brown	
	DL NUMBER/STATE	PRIMARY PHONE / PHONE TYPE (971)216-2979 HOME	OTHER PHONE / PHONE TYPE		SSN		

SUBJECT	SUBJECT TYPE	NAME (LAST FIRST MIDDLE SUFFIX)					
	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE / PHONE TYPE	OTHER PHONE / PHONE TYPE		SSN		

REPORTING OFFICER Chester, Darlyn, 58914	DATE 07/15/2023	REVIEWED BY Wingo, Chris R 08/04/2023
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WOODBURN POLICE DEPARTMENT

CASE REPORT
 1060 MT HOOD AVE
 WOODBURN OR
 97071

CASE# **2023-00008905**

GENERAL PROPERTY

GENERAL	PROPERTY CODE 09-Axon Axon PhotoE		QUANTITY/UNIT OF MEASURE 1 Set		COLOR
	SERIAL NUMBER	VALUE	OAN		RECEIVED DATE 07/15/2023
	DESCRIPTION PHOTOS OF NORMA'S TRUCK				

GENERAL	PROPERTY CODE 09-Axon Axon VideoE		QUANTITY/UNIT OF MEASURE 1 Unit		COLOR
	SERIAL NUMBER	VALUE	OAN		RECEIVED DATE 07/15/2023
	DESCRIPTION VIDEO OF SUSPECT THROWING BOTTLE				

GENERAL	PROPERTY CODE		QUANTITY/UNIT OF MEASURE		COLOR
	SERIAL NUMBER	VALUE	OAN		RECEIVED DATE
	DESCRIPTION				

FIREARMS PROPERTY

FIREARM	FIREARM PROPERTY CODE				VALUE
	MAKE/MODEL		GUN TYPE	GUN ACTION	
	RECEIVED DATE	SERIAL	FINISH		CALIBER
	ADDITIONAL DESCRIPTIVE INFORMATION				

FIREARM	FIREARM PROPERTY CODE				VALUE
	MAKE/MODEL		GUN TYPE	GUN ACTION	
	RECEIVED DATE	SERIAL	FINISH		CALIBER
	ADDITIONAL DESCRIPTIVE INFORMATION				

REPORTING OFFICER Chester, Darlyn, 58914	DATE 07/15/2023	REVIEWED BY Wingo, Chris R 08/04/2023
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WOODBURN POLICE DEPARTMENT

CASE REPORT
 1060 MT HOOD AVE
 WOODBURN OR
 97071

CASE# **2023-00008905**

VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE 00-Involved Vehicle		PROPERTY TYPE Vehicle - Automobile - 321		VALUE
	VEH YR 2003	TYPE/MAKE/MODEL Auto FORD F100			STYLE
	PLATE / STATE 497NAA / OR		VIN 2FTRF07383CA54245	TOP COLOR Blue	BOTTOM COLOR Blue
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE 00-Involved Vehicle		PROPERTY TYPE Vehicle - Automobile - 321		VALUE
	VEH YR 2003	TYPE/MAKE/MODEL Auto HYUNDAI ELANTRA			STYLE
	PLATE / STATE CDZ1727 / WA		VIN	TOP COLOR Gold	BOTTOM COLOR Gold
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE		PROPERTY TYPE		VALUE
	VEH YR	TYPE/MAKE/MODEL			STYLE
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

REPORTING OFFICER Chester, Darlyn, 58914	DATE 07/15/2023	REVIEWED BY Wingo, Chris R 08/04/2023
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WOODBURN POLICE DEPARTMENT

CASE REPORT

CASE# 2023-00008905

1060 MT HOOD AVE
WOODBURN OR
97071

NARRATIVE

Distribution: OLCC

Narrative: Corporal Darlyn Chester

On 07/15/23 at about 1943 hours, Norma Zepeda, called from Casa Marquez Mexican Grill, 553 N Front St, Woodburn, OR 97071 to report a disturbance. Norma reported there was a confrontation with another individual between her sister and another female customer that was on the bar side of the restaurant. Norma reported there was nothing physical and the other female had already left.

When I got to the location Norma told me the other female was yelling at her sister about their vehicles and being in the alley. Norma told me when her sister left the area with her Ford Truck – OR 497NNA the suspect, identified as Izabel Zirangua followed them and threw a green glass bottle from the passenger side of the car she was riding in. Norma showed me her truck and pointed out a few scuffs and marks but was not entirely sure which of the marks was caused by the bottle.

I reviewed the video that they provided me and the suspect car, Hyundai Elantra – WA CDZ1727 was see passing the Ford in oncoming traffic, and a green bottle being thrown from the passenger side. In another video, Izabel is seen in the passenger side of the car as it drives away. In the video that the bottle was thrown, I am not able to see who threw it from the car.

I attempted to contact Norma about which of her sisters was driving her truck and determine if they saw Izabel throw the bottle but she has not returned my call as of 08/02/23.

Case inactive at this time.

REPORTING OFFICER	DATE	REVIEWED BY
Chester, Darlyn, 58914	07/15/2023	Wingo, Chris R 08/04/2023

WOODBURN POLICE DEPARTMENT

CASE REPORT

1060 MT HOOD AVE
WOODBURN OR
97071

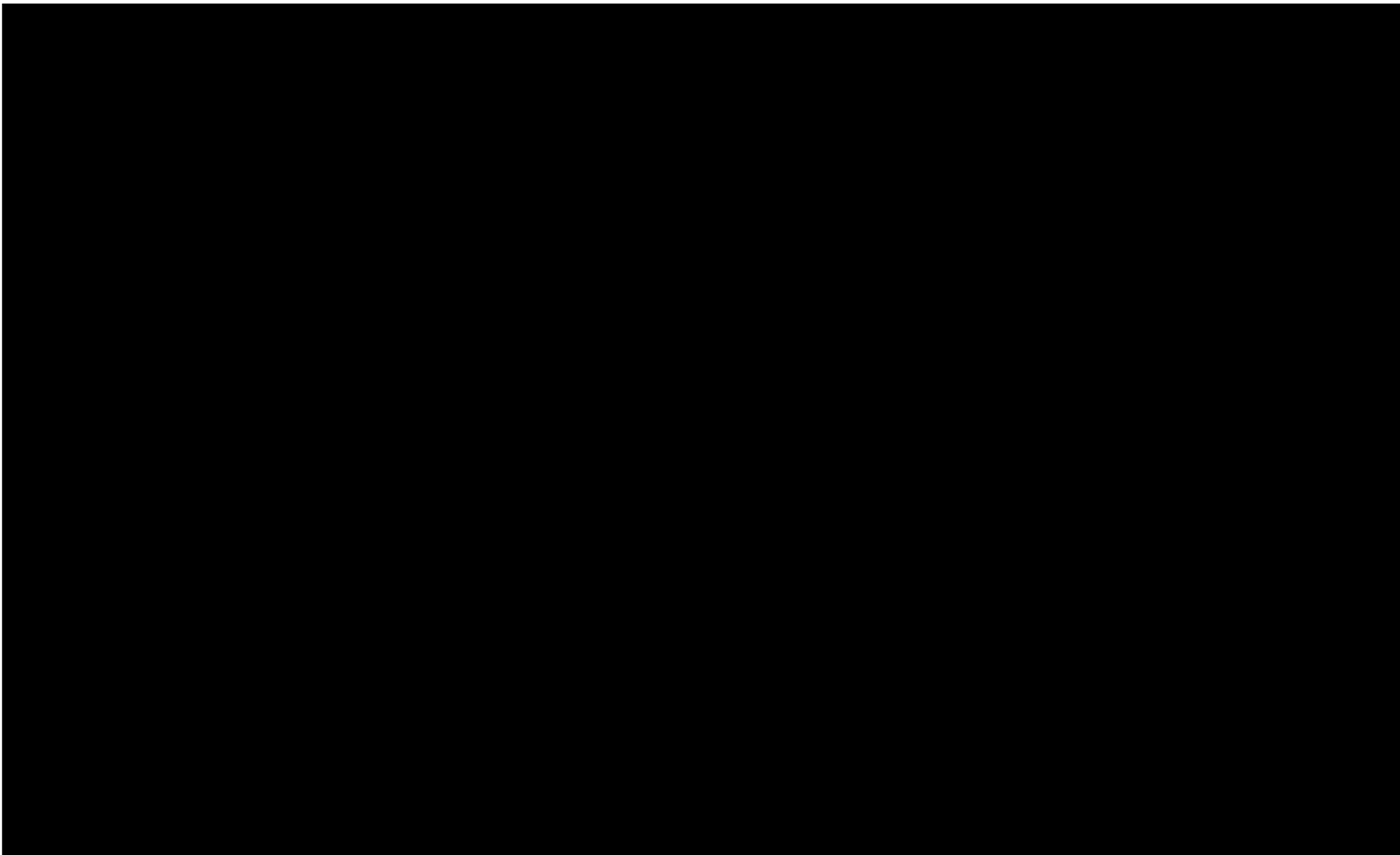
CASE# **2023-00011369**

AXON VIDEO

AXON PHOTOS

EVENT	REPORTED DATE/TIME 09/02/2023 23:36	OCCURRED INCIDENT TYPE Assault	
	OCCURRED FROM DATE/TIME 09/02/2023 23:36	OCCURRED THRU DATE/TIME 09/03/2023 02:00	LOCATION OF OCCURRENCE 553 FRONT STREET GRANT ST / E LINCOLN ST, W LINCOLN ST WOODBURN

OFFENSES	STATE DESCRIPTION	COUNTS	ATTEMPT/COMMIT
		163.160 ASSAULT IV	1
	164.365 CRIMINAL MISCHIEF I (CRIME DAMAGE)	1	Committed



REPORTING OFFICER Leis, Jesse, 62660	DATE 09/02/2023	REVIEWED BY Titus, Christopher 09/03/2023
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WOODBURN POLICE DEPARTMENT

CASE REPORT

1060 MT HOOD AVE
WOODBURN OR
97071

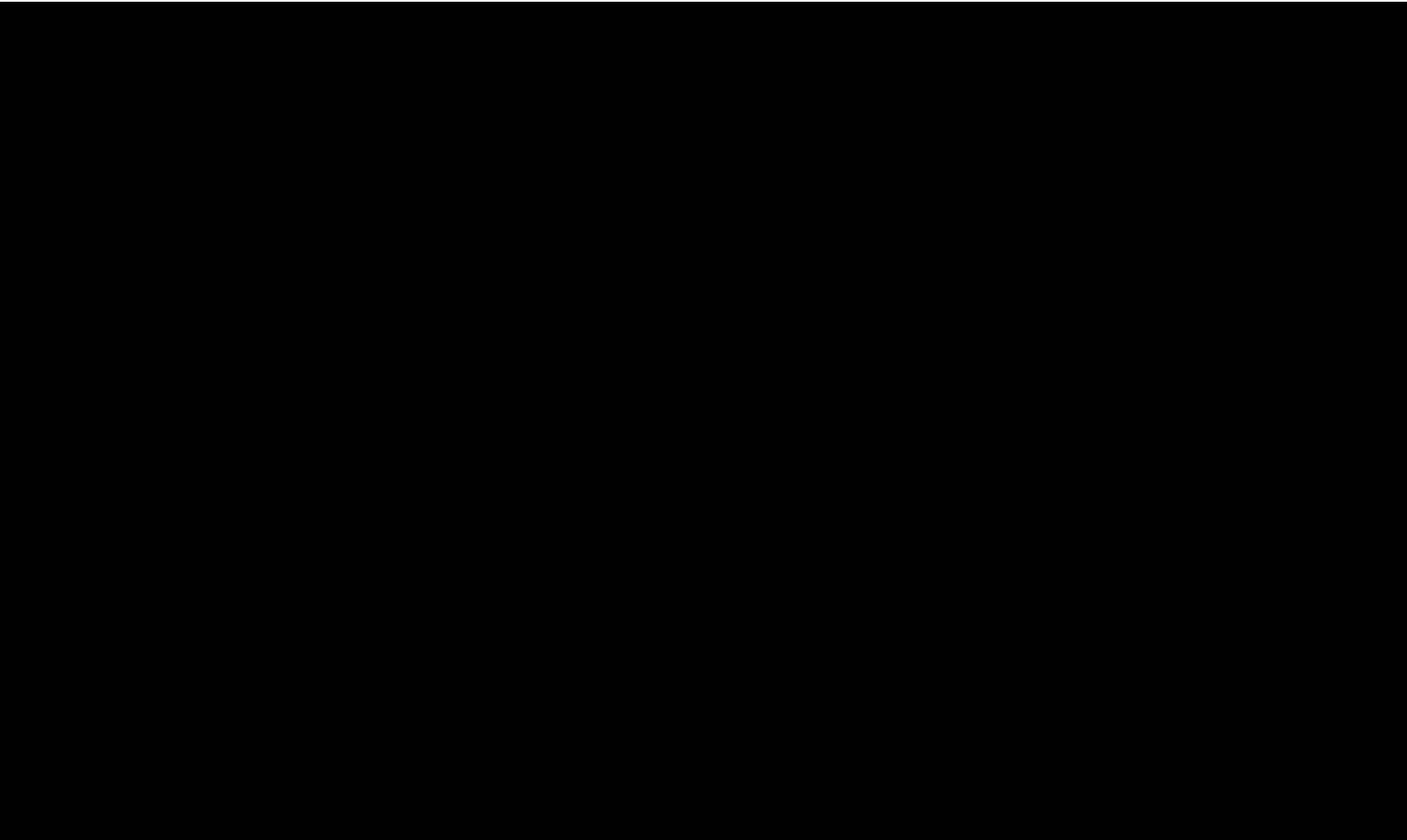
CASE# **2023-00013131**

AXON VIDEO

AXON PHOTOS

EVENT	REPORTED DATE/TIME 10/07/2023 21:01	OCCURRED INCIDENT TYPE Criminal Mischief	
	OCCURRED FROM DATE/TIME 10/07/2023 21:01	OCCURRED THRU DATE/TIME 10/07/2023 21:01	LOCATION OF OCCURRENCE 553 FRONT STREET GRANT ST / E LINCOLN ST, W LINCOLN ST WOODBURN

OFFENSES	STATE DESCRIPTION	CC INTS	ATTEMPT/COMMIT
		164.354 CRIMINAL MISCHIEF II (VANDALISM)	1



REPORTING OFFICER Williams, Zach, 44521	DATE 10/07/2023	REVIEWED BY Titus, Christopher 10/09/2023
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WOODBURN POLICE DEPARTMENT

CASE REPORT

1060 MT HOOD AVE
WOODBURN OR
97071

CASE# **2024-00002638**

AXON VIDEO

AXON PHOTOS

EVENT	REPORTED DATE/TIME 03/03/2024 00:01	OCCURRED INCIDENT TYPE Weapons Violations	
	OCCURRED FROM DATE/TIME 03/02/2024 23:00	OCCURRED THRU DATE/TIME 03/02/2024 23:30	LOCATION OF OCCURRENCE 553 N FRONT STREET GRANT ST / E LINCOLN ST, W LINCOLN ST WOODBURN

OFFENSES	STATE DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	163.190 MENACING	1	Committed
166.220 UNLAWFUL USE OF WEAPON (Possess illegally)	1	Committed	



REPORTING OFFICER Sain, Kathryn, 61329	DATE 03/03/2024	REVIEWED BY Carpenter, Geoffrey 03/12/2024
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September 9, 2024

TO: Honorable Mayor and Council through City Administrator
FROM: Anthony Turley, Finance Director
SUBJECT: **FY 2024-25 Supplemental Budget Request for Acceptance of Grant Awards for Police Department Program and Increase in the General Fund's Revenue and Expenditure Budget**

RECOMMENDATION:

Adopt Resolution No. 2236 authorizing \$189,610 additional grant revenue and appropriation authority for Police Department Operating Expenses in the General Fund.

BACKGROUND:

Every year after Council's budget adoption, circumstances arise that were either unforeseen, unquantifiable, or discovered as errors. Oregon Budget Law, ORS 294.471(1), provides for changes to adopted budgets through a transfer resolution or supplemental budget process that notices the proposed changes. Contingency transfers in excess of 15 percent of any fund's total appropriations, or supplemental budget changes in excess of 10 percent of any fund's total expenditures, require a public hearing to accept public testimony on the item under consideration. A public hearing is not required for a budget change less than 10 percent of fund expenditures.

Like the adopted budget, supplemental budget requests must be balanced; in other words, net revenue and net expense for the request must be equal. This can be accomplished by budgeting additional revenue or by reducing another expenditure category (such as contingencies).

DISCUSSION:

The City of Woodburn Police Department recently applied for and was awarded an Oregon Criminal Justice Commission grant. These grant funds can be used to prevent, prepare for, and respond to Organized Retail Theft organizations that target local retail stores, including the Woodburn Outlet Mall, Walmart, and other retail stores affected by these groups. These groups are usually related to criminal enterprises both in and outside of Woodburn.

The supplemental budget adjustment to the General Fund's Police Department operations will fund increased officer surveillance and the purchase of

operational equipment to specifically target these organized retail theft groups. The budget will also be used for officer wages for targeted operations, which may include outside agency support and work outside of normal hours.

Because the proposed budget change is less than 10 percent of fund expenditures, no public hearing is required.

FINANCIAL IMPACT:

If approved, the proposed adjustment includes an increase in budgeted revenue due to new and unanticipated grant funds, and an increase in its expense budget for the same amount. Specifically, the following changes will be made:

SUMMARY OF PROPOSED BUDGET CHANGES							
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED							
General - 001							
Resource	Original	Change	Revised	Requirement	Original	Change	Revised
1 Beg. Fund Balance	13,450,490		13,450,490	Operating Expenses	21,640,040	189,610	21,829,650
2 Revenues	22,005,890	189,610	22,195,500	Transfers Out	1,962,600		1,962,600
				Contingency & Reserves	11,853,740		11,853,740
Revised Total Fund Resources			35,645,990	Revised Total Fund Requirements			35,645,990
<i>Comments: OCJC grant allocated for Police Department's Organized Retail Theft Program</i>							

Grant funds are expected to be expended in fiscal year FY 2024-25.

COUNCIL BILL NO. 3261

RESOLUTION NO. 2236

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS FOR THE GENERAL FUND FOR FY 2024-25

WHEREAS, on June 10, 2024, the Woodburn City Council approved Resolution No. 2232 adopting a budget for the fiscal year 2024-25, wherein funds were appropriated; and

WHEREAS, ORS 294.471(1)(a) permits supplemental budgets when an occurrence or condition which had not been ascertained at the time of preparation of the current fiscal year's budget period or accounted for in a previous supplemental budget requires a change in financial planning; and

WHEREAS, ORS 294.471(1)(c) permits supplemental budgets when funds are made available by another unit of federal, state or local government which could not reasonably have been foreseen when preparing the original budget or a previous supplemental budget for the current year or current budget period; and

WHEREAS, Under ORS 294.471(3), a supplemental budget in which no fund changes more than 10 percent can be adopted at a regularly scheduled meeting of the governing body without a public hearing; and

WHEREAS, the supplemental budget contained herein and made pursuant to ORS 294.471, authorizes \$189,610 in additional grant revenue, and appropriation authority to operating expenses in the General Fund's Police Depart budget; and

WHEREAS, a regularly scheduled City Council meeting was held September 9, 2024, on the supplemental budget changes and notice of the meeting was published at least five days prior to the meeting, **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That pursuant to the applicable ORS provisions cited above, the City Council hereby approves the supplemental budget for FY 2024-25 in the amounts shown in the summary below:

SUMMARY OF PROPOSED BUDGET CHANGES							
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED							
General - 001							
Resource	Original	Change	Revised	Requirement	Original	Change	Revised
1 Beg. Fund Balance	13,450,490		13,450,490	Operating Expenses	21,640,040	189,610	21,829,650
2 Revenues	22,005,890	189,610	22,195,500	Transfers Out	1,962,600		1,962,600
				Contingency & Reserves	11,853,740		11,853,740
Revised Total Fund Resources			35,645,990	Revised Total Fund Requirements			35,645,990
<i>Comments: OCJC grant allocated for Police Department's Organized Retail Theft Program</i>							

Approved as to Form: _____
City Attorney Date

APPROVED: _____
Frank Lonergan, Mayor

Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____
Filed in the Office of the Recorder _____

ATTEST: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

September 9, 2024

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board) through City Administrator

FROM: Kathleen McClaskey, Transit Manager

SUBJECT: **Award of Contract for Transit Vehicle Purchase**

RECOMMENDATION:

Authorize the City Administrator to purchase a 35 ft 2024 Defender Freightliner Transit bus from Schetky Northwest Bus Sales, Inc for \$267,308.93, pursuant to the ODOT vehicle procurement program.

BACKGROUND:

Fixed route ridership has been increasing since the pandemic. In consideration of an increased number of passengers, the City's Transit Division identified a need to replace a fleet vehicle often used on the Fixed route Program. The City's fifteen-year-old Champion bus is the oldest in the City's Transit fleet and has 232,770 miles. This exceeds the Oregon Department of Transportation's (ODOT) useful life standard of ten years. This bus has had costly repairs, contributing to its need for replacement.

DISCUSSION:

Staff completed an ODOT-approved vehicle procurement process for the bus replacement, and it was determined that the Defender Freightliner was the best vehicle for the Transit Division's Fixed route needs. It is available from Schetky Northwest Bus Sales, Inc. The current bus that is being replaced has seating for 25 seated passengers and two ADA mobility stations. The Defender Freightliner has seating for 35 seated passengers and two ADA mobility stations, which provides seating for an additional 10 passengers. The Defender is built on a mass-produced chassis and the bus body is mounted to the chassis using industry standard processes and materials. Additional cabin space will make the trips more comfortable for passengers. The Defender Freightliner has a useful life of at least 10 years, or 350,000 miles, which will increase fleet reliability and help minimize repair costs.

Agenda Item Review: City Administrator City Attorney Finance

FINANCIAL IMPACT:

The purchase price for the Defender Freightliner is \$267,308.93. Additional expenditures will also include vehicle graphics, a new communications radio system and DMV fees, estimated at approximately \$12,000. The amount of the available grant funds is \$375,969. The City is required to provide a 10.7% match, estimated at approximately \$30,000, which will come from other grant funds already awarded to the City (Statewide Transportation Improvement Fund). After the City applies its match, it is estimated that we will utilize approximately \$250,000 of the grant funds awarded for this project.

Vehicle production and delivery currently is expected Spring of 2025. This vehicle is included in the Transit Fund's FY 24-25 budget.

Attachments

- Schetky Northwest Bus Sales, Inc' Response to Request for Transit Vehicle Price Quote (RFQ) and floor plan
- ODOT Agreement # 35355

REQUEST FOR TRANSIT VEHICLE PRICE QUOTE (RFQ)

This is (check appropriate):

- Initial Request for Quote (from Requesting Agency to Vendors)
Due Date: July 31, 2024
- Response to RFQ (from Responding Vendor back to Requesting Agency)
- Grant Funded Purchase Grant Agreement Number 35355

VENDOR (Business Name): Schetky Northwest Sales, Inc.

Vendor Contact Person: Kevin Mansfield Phone: (408) 818-0708
Email Address: kevinm@schetkynw.com Alt Phone: (623)478-1920

Meets Buy America Standards (49 USC § 5323(j); 49 CFR part 661)

REQUESTING AGENCY INFORMATION

Agency City of Woodburn Date: July 10, 2024
Contact Person: Kathleen McClaskey Phone: (503) 982-5245
Email Address: kathleen.mcclaskey@ci.woodburn.or.us Fax: (503) 981-7206
Agency Address: 270 Montgomery St. Woodburn, OR 97071

Kimberly Stanchfield from Knowledge In Mobility will be assisting with this purchase process. Send all questions, correspondence, RFQ submittals to both Kimberly at Kimberly@KnowledgeInMobility.com and Kathleen McClaskey as listed above.

The above Agency, through its Public Transit program or public transit affiliate, is requesting price quotes from Oregon State Price Agreement Contract Vendors for the purchase of the following vehicle(s):

From: Oregon State Price Agreement No. of Vehicles Required: 1

PTD Vehicle Category (Check): (Please see *PTD Vehicle Descriptions and Useful Life Standards*)

Cat A Cat B Cat C Cat D Cat E ___ (select from 1 to 3)

Length (can be range): 30-35 Regular Seats: 25-35 ADA Stations/Tiedowns: 2

Fuel Type: Gasoline Diesel Bio-fuel Hybrid CNG Propane

High Floor Low Floor Other Comment: _____

A. VENDOR'S VEHICLE BASE PRICE INFORMATION	VEHICLE BASE PRICE
<i>This Section to be completed by Vendor</i>	<i>Enter base price from State Price Agreement below</i>
Vehicle Make/Model: 2024 Defender Freightliner 36	
Length: Approximately 36'	\$ 211,830.00
Fuel Type: Diesel	
Floor: <input checked="" type="checkbox"/> High Floor <input type="checkbox"/> Low Floor Other:	
No. of Regular Passenger Seats: Thirty (30) 24 fixed and 3 Double folds	
No. of ADA Stations w/Tiedowns Desired: Two (2)	
Other Special Note:	

B. VEHICLE REQUIRED SPECIFICATIONS

<i>Requesting Agency completes Description column Vendor completes "Vendor Response" columns</i>	VENDOR RESPONSE
<i>Requesting Agency's Required Specifications Description</i>	<i>Vendor Suggestions (related to vehicle specs)</i>
1. Altoona Test Executive Summary	YES-SEE ATTACHED
2. At the end of the RFQ are 3 required certification attachments. These must be returned with the RFQ response. Failure to include will render your response non-responsive.	YES-SEE ATTACHED
3. All standard specs per State Price Agreement for Category B High Floor Bus. Include a list of vendor provided standard specs with RFQ response including all chassis specs.	YES-SEE ATTACHED
4. Vehicle should be 30-35 ft high floor bus Freightliner or International chassis or equivalent	YES-Approximately 36' high floor Freightliner
5. Diesel engine 2010 emission complaint: Cummins 6.7L 240 hp or equivalent. Please provide engine information (make/model/torque/fuel)	YES-SEE ATTACHED
6. Heavy-Duty Allison (6-speed minimum) transmission (or equivalent)	YES
7. Heavy duty rear air suspension system (OEM) or equivalent	YES
8. 40" minimum passenger electric entry door with external key switch wired hot to ignition	YES
9. Treated floor, undercoated and insulated	YES
10. Comfortable air ride driver's area to accommodate both small and large operators.	YES
11. Provide floorplan options showing front mounted lift and wheelchair placements behind driver (not side by side)	YES

12. Molded plastic passenger seats, Citiseats or equivalent with level 3 vinyl. Agency to pick seat mold color from vendor choices after award. Delete seat belts. Include: PPE Aisle side armrests and Grab handles on all seats.	YES
13. Adequate driver and passenger HVAC system for Pacific NW weather with separate controls in the driver's area (controls must be in reach of driver when seated)	YES
14. Driver's storage compartment must be lockable and completely enclosed (no open sides)	YES
15. Yield sign to be triangle type like TRIMET (DataLED) and auto cancelling with left turn signal. Yield sign activation switch to be labeled as such.	YES
16. Bike Rack (standard 3 position) must include a separate light for night security	YES
17. Exterior heated / remote mirror controls must be in driver reach when seated	YES
18. Diamond (or equivalent) Fare box to match existing fleet with 1 vault installed and one spare shipped loose. Keyed for Woodburn Transit buses	YES
19. Prewire for 2-way radio to exit right of doghouse	YES
20. Body Fluid Kit - Installed	YES
21. 2 Wheelchair stations with Q-Straint QRT (or equivalent) wheelchair securements and L Track run full length of bus on floor and wall for maximum flexibility	YES
22. Safety Vision (or equivalent) security camera system with 5 cameras. Include backup view monitor for the rear facing camera. Purchased & installed to match existing fleet	YES
23. Destination Signs to match existing fleet. Hanover (or equivalent) with 10-year warranty. Must be programmed before delivery. Woodburn Transit will provide destinations to successful vendor.	YES
24. Interior and exterior PA with gooseneck Mic	YES
25. Garbage Can rack (installed to right of driver)	YES
26. Powder Coat Yellow – ALL railings, handrails and stanchions. Include entry door grab handles	YES
27. Installed Auto tire chains. Provide mfg. information with RFQ response. MUST be tested locally for correct installation before delivery.	YES-ON SPOT
28. Proposed delivery date: NOTE: Grant expires 6/30/2025	5/31/2025
Subtotal Cost of Required Options: \$ 42,866.90	
Total Vehicle Cost With All Required Options: \$ 254,696.90	
Estimated Vehicle Privilege Tax (if billing to agency) – NOTE: ADA Modifications are exempt from tax \$ 1,260.03	
Total with all cost above \$ 255,956.93	

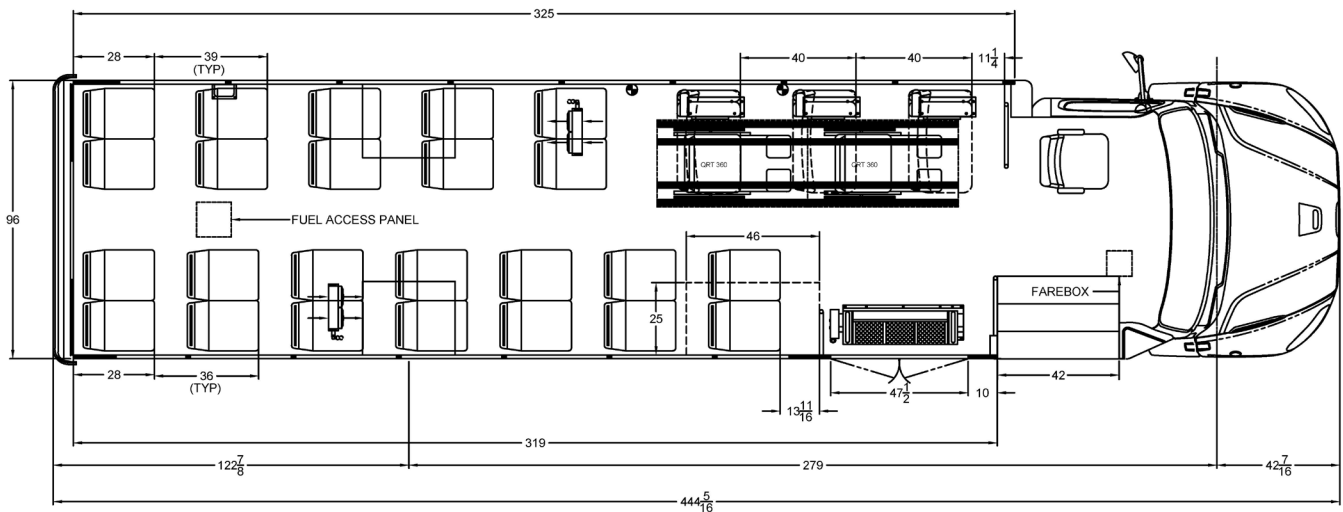
C. VEHICLE PREFERRED OPTIONS

<i>Requesting Agency's Preferred Options Description</i>	<i>Included in Base Price?</i> YES / NO	<i>\$Additional Cost for Option\$</i> (or Note Not Available)	<i>Vendor Suggestions</i> (related to vehicle specs)
1. 2 Accessory fans for driver – mounted	NO	\$312.00	
2. Rack or display case for advertising and notices inside the bus to hold a minimum of 4 tri fold brochures	NO	\$150.00	
3. Interior notification display (reader board/destination sign)	NO	\$2,850.00	
4. Extendable visors for driver	NO	\$145.00	
5. Voice announcement system for destinations to work with destination signs. Include all fees/installation costs.	NO	\$7,895.00	
Subtotal Cost of Preferred Options:		\$ 11,352.00	

Vendor's Signature: Kevin Mangifido Date Sent: 8/9/2024

Vendor's Response Back to RFQ – Please sign and date your response here.

Sample Floor plan (Attach or cut-and-paste new plan here, or attach on back)



VENDOR INFORMATION

Vendors are strongly encouraged to submit price quotes using the format provided. Vendors should specifically note if and how they meet the above specifications, and note any differences in what has been called out above, in their price quotes. This may be done on the form, or on an attached sheet. The vehicle(s) will be purchased with funding from the Oregon Department of Transportation, Public Transit Division and the Requesting Agency, and will follow applicable Federal and State procurement guidelines.

Price Quote shall be submitted to the Requesting Agency contact person named on the first page on this form.

Price Quotes may be sent by U.S. Mail, emailed, or faxed to the addresses for Requesting Agency noted on page 1 of this form.

Vendors are required to submit the following certification attachments with each Quote response:

Attachment 1 – Certificate of Compliance with Bus Testing Requirement

Attachment 2 – Pre-Award FMVSS and Buy America Certification

Attachment 3 – Transit Vehicle Manufacturer (TVM) Certification (DBE)

VEHICLE SELECTION INFORMATION

Selection of the vehicle and successful price quote will be based on:

- Lowest Cost with Required Specifications (*Lifecycle costs may be considered in price determination and may affect lowest bid determination*)**
- Best Value Determination (ODOT PTD pre-approval required.)**

The Best Value Determination criteria are as follows:



U.S. Department
of Transportation
**Federal Transit
Administration**

1200 New Jersey Avenue SE
Washington, D.C. 20590

March 28, 2023

Larry Hall
Director of Engineering
Starcraft Bus
Forest River Bus, LLC
2367 Century Drive
Goshen IN 46528
(via email: lhall@forestriverinc.com)

Dear: Mr. Hall:

This is in response to your letter dated September 23, 2022 (received October 5, 2022), in which you requested assistance from the Federal Transit Administration (FTA) concerning the applicability of the Bus Testing Regulation (49 CFR Part 665) to the Starcraft Allstar XL, and Champion Defender manufactured by Forest River. Your letter states that:

- Forest River Bus has acquired Champion Bus out of Imlay City, Michigan and has consolidated it with Starcraft Bus. Forest River Bus is asking that FTA recognize the “Family Group” to minimize the testing related to its product line.
- Both Starcraft Allstar XL and Champion Bus Defender bus models are built on mass produced chassis, the bus bodies are mounted to the chassis using the same process and materials. Both brands are built with the same gage of steel.
- The difference between bus models include:
 - a. Front and rear fiberglass caps, body lines and wheel flairs which are only cosmetic.
 - b. Coating on steel frame, Champion Bus is aluminized, Starcraft Bus is spray primed.
 - c. Exterior skin Champion Bus is pinched laminated, and Starcraft Bus is hand hugged.
- Forest River provided sample body, frame and chassis drawings to illustrate the similarities in the construction of the two bus models, as well as a model comparison chart.

You have asked FTA to “recognize the ‘Family Group’ to minimize the testing load of [Forest River’s] product line.”

FTA has reviewed your request and accompanying documentation and has determined that **no additional testing will be required for the Champion Defender bus model**. Our rationale for this determination is as follows:

- A Starcraft Allstar XL built on a CNG-powered Ford F-550 chassis has completed testing in the 7-year/200,000-mile service life category at Altoona (Bus Testing Report # LTI-BT-R1810). Consequently, variants of the Allstar XL, such as the Champion Defender, are eligible for Partial Testing procedures; only those tests in which we would expect to obtain significantly different data would need to be repeated.
- Allstar XL and Defender bus models built on the Ford F-550 CNG chassis will be similar or identical in size, layout, and weight, and as such would not be expected to produce significantly different results in the Maintainability, Safety, Performance, Fuel Economy, Noise, and Emissions tests.
- The Allstar XL and Defender have very similar structures. The 2-inch narrower width of the Defender body would not be expected to result in significantly different data in the Structural Integrity or Reliability tests. The use of epoxy spray vs. aluminized anti-corrosion coatings would not be expected to result in significantly different data in the tests performed at Altoona.
- The use of “hand-hugged” exterior body panels on the Allstar XL vs. “pinched laminated” exterior body panels on the Defender would not be expected to produce significantly different results in the Durability and Reliability tests.
- The differences in the fiberglass end caps are considered cosmetic.

This determination is based on the changes detailed in your letter or mentioned above. If Forest River makes any other changes to the vehicle, additional testing may be required. If you require any further assistance with this or other matters concerning Bus Testing, I encourage you to consult the resources provided at www.transit.dot.gov/research-innovation/bus-testing. If you still have questions after checking this website, please contact me.

Sincerely,



Marcel Belanger
Bus Testing Program Manager
Office of Infrastructure, Safety, and
Asset Innovation, TRI-20
marcel.belanger@dot.gov
202-366-0725

Cc: Mohammed Yousuf, Director, FTA Office of Infrastructure, Safety and Asset Innovation

Attachments: September 23, 2022 letter from Larry Hall with drawings and attachments

O:\TRI\BUSTEST\Forest River\Forest River 092322 - Allstar XL-Defender brand comparison.docx



FOREST RIVER BUS, LLC

2367 CENTURY DRIVE ▶ GOSHEN, INDIANA 46528 ▶ 1.800.348.7440

September 23, 2022

Marcel Belanger
Bus Testing Program Manager
Federal Transit Administration
Office of Mobility Innovation, TRI-12
Room E43-471
1200 New Jersey Ave. SE
East Building, 4th floor
Washington, DC 20590

Re: Brand Comparison of Forest River Commercial Bus Group

Dear Mr. Belanger:

Forest River Bus has consolidated their bus divisions, Starcraft Bus model Allstar XL, and Champion Bus model Defender. We are asking that FTA recognize the “Family Group” to minimize the testing load of our product line “Altoona Testing”.

Both divisions build on mass produced chassis, the bus body is mounted to the chassis using the same process and materials. And both brands are built with the same gage of steel.

The different between models:

- a- Front and rear fiberglass caps, body lines and wheel flairs only cosmetic.
- b- Coating on steel frame, Champion Bus aluminized, Starcraft Bus is spray primed.
- c- Exterior skin Champion Bus is pinched laminated, and Starcraft Bus is hand hugged.
- d-

Attached to this package are detailed frame prints to illustrate the similarities in the construction of the frame, and a model comparison chart and a copy of past FTA ruling.


If FTA decides that additional testing is required, please indicate which test is needed.

Sincerely,

Larry Hall
Director of Engineering

Starcraft Bus
A Division of Forest River, Inc.

Chart 2022-F

 <p>FOREST RIVER BUS</p>							
Commercial Bus Comparison 2021							
Starcraft Bus				Champion Bus			
Model	Chassis	Prefix	Suffix	Model	Chassis	Prefix	Suffix
Allstar XL	Ford F-450 Ford F-550 Ford F-650 Ford F-750 International Freightliner	SXL	N	Defender	Ford F-450 Ford F-550	C5J	HE
					Ford F-650 Ford F-750	C5J	HD
					Freightliner	C5J	HG
Notes: Starcraft Bus build mild steel, side wall bows, and primed painted. Free hung side wall aluminum sheet. Starcraft Bus front, rear caps, and wheel flares.				Notes: Champion Bus build Aluminized steel, 1 x 2 tube side wall stud. Laminated side wall aluminum sheet. Glaval Bus front, rear caps, and wheel flares. Cove molding at floor to sidewall.			

Attachment 1

BUS TESTING CERTIFICATION

The undersigned bidder [Contractor/Manufacturer] certifies that the vehicle model or vehicle models offered in this bid submission complies with 49 CFR Part 665.

A copy of the test report (for each bid ITEM) prepared by the Federal Transit Administration's (FTA) Altoona, Pennsylvania Bus Testing Center is attached to this certification and is a true and correct copy of the test report as prepared by the facility.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the U.S. Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Schetky Northwest Sales, Inc.

Name of Bidder/Company Name

Kevin Mansfield

Type or print name

Kevin Mansfield

Signature of authorized representative

Cora L Crittle

Signature of notary and SEAL

Date of Signature

3 14 24



Attachment 2

PRE-AWARD CERTIFICATION FOR PROCUREMENT OF ROLLING STOCK (VENDOR)

PRE-AWARD AUDIT REQUIREMENTS

A recipient purchasing revenue service rolling stock with FTA funds must ensure that a pre-award audit under this part is complete before the recipient enters into a formal contract for the purchase of such rolling stock.

DESCRIPTION OF PRE-AWARD AUDIT

A pre-award audit under this part includes— (a) A Buy America certification; (b) A purchaser's requirements certification; and (c) Where appropriate, a manufacturer's Federal Motor Vehicle Safety certification information.

PRE-AWARD BUY AMERICA CERTIFICATION

For purposes of this part, a pre-award Buy America certification is a certification that the recipient keeps on file that:

- a. There is a letter from FTA which grants a waiver to the rolling stock to be purchased from the Buy America requirements under section 165(b) (1), (b)(2), or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended; or
- b. The recipient is satisfied that the rolling stock to be purchased meets the requirements of section 165(a) or (b)(3) of the Surface Transportation Assistance Act of 1982, as amended, after having reviewed itself or through an audit prepared by someone other than the manufacturer or its agent documentation provided by the manufacturer which lists:
 1. The Component and subcomponent parts of the rolling stock that are produced in the United States is more than 60% for FY2016 and 2017, more than 65% for FY2018 and 2019, more than 70% for FY2020 of the cost of all components and subcomponents of the vehicle identified by the manufacturer; and
 2. The location of the final assembly must take place in the United States (49 CFR 661.11), including a description of the activities that will take place at the final assembly point and the cost of final assembly.

PRE-AWARD PURCHASERS REQUIREMENTS CERTIFICATION

For purposes of this part, a pre-award purchaser's requirements certification is a certification a recipient keeps on file that:

- a. The rolling stock the recipient is contracting for is the same product described in the purchaser's solicitation specification; and
- b. The proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the recipient's specification set forth in the recipient's solicitation.

If buses or other rolling stock (including train control, communication, and traction power equipment) are being procured, the appropriate certificate as set forth below shall be completed and submitted by each bidder in accordance with the requirements in 49 CFR 661.13(b).

PRE-AWARD FMVSS COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D, the recipient certifies that it received, at the pre-award stage, a copy of the manufacturers self-certification information stating that the buses will comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Part 571.

Bidder or offeror Certificate of:

COMPLIANCE with Buy America and FMVSS Rolling Stock Requirements

As required by 49 CFR Part 663, the bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j), and the applicable regulations of 49 CFR 661.11.

Company Schetky Northwest Sales, Inc.

Name Kevin Mansfield Title Sales Manager

Signature  Date 3/14/2024

Bidder or offeror Certificate of:

NON-COMPLIANCE with Buy America and FMVSS Rolling Stock Requirements

As required by 49 CFR Part 663, the bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j), but may qualify for an exception to the requirement consistent with 49 U.S.C. 5323(j)(2), as amended, and the applicable regulations in 49 CFR 661.7.

Company _____

Name _____ Title _____

Signature _____ Date _____

Attachment 3

TRANSIT VEHICLE MANUFACTURER (TVM) CERTIFICATION

Pursuant to the provisions of Section 105(f) of the Surface Transportation Assistance Act of 1982, each bidder for this contract must certify that it has complied with the requirements of 49 CFR Part 26.49, regarding the participation of Disadvantaged Business Enterprises (DBE) in FTA assisted procurements of transit vehicles. Absent this certification, properly completed and signed, a bid shall be deemed non-responsive.

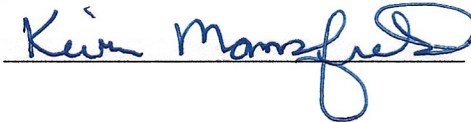
Certification:

I hereby certify, for the bidder named below, that it has complied with the provisions of 49 CFR Part 26.49 and that I am duly authorized by said bidder to make this certification.

Name of Bidder/Company Schetky Northwest Sales, Inc.

Name Type or print Kevin Mansfield

Signature of Authorized Representative



Date 3/14/2024

Signature of notary and SEAL





CATEGORY	B, MEDIUM SIZE HEAVY DUTY, HIGH FLOOR
MAKE/MODEL	CHAMPION DEFENDER S2C
QUOTED CONFIG	24+2WC
SALES REP	KEVIN MANSFIELD
DIRECT PHONE	(408) 818-0708
CELL	(408) 818-0708
EMAIL	KEVINM@SCHETKYNW.COM

QTY	OPTION	BASE VEHICLE & EXTENDED LENGTHS	PRICE
1	BASE	PASSENGER CAPACITY: 24+2WC CHASSIS: 2019 FREIGHTLINER S2C, 259"WB ENGINE: CUMMINS B 6.7L 240 HP DIESEL ENGINE BODY: CHAMPION DEFENDER S2C, 35' LENGTH	\$163,892.00
	ADDL LENGTH	CHAMPION DEFENDER S2C, 27' LENGTH	-\$6,893.00
	ADDL LENGTH	CHAMPION DEFENDER S2C, 29' LENGTH	-\$5,343.00
	ADDL LENGTH	CHAMPION DEFENDER S2C, 31' LENGTH	-\$3,782.00
	ADDL LENGTH	CHAMPION DEFENDER S2C, 33' LENGTH	-\$1,782.00
	ADDL LENGTH	CHAMPION DEFENDER S2C, 38' LENGTH	\$440.00

STANDARD VEHICLE EQUIPMENT

- FULLY WELDED STEEL ROLL CAGE CONSTRUCTION
- 1.5X1.5" 16 GA. STEEL BODY SUPERSTRUCTURE
- 14 GAUGE STEEL STEPWELL, FLAT FLOOR
- TOP T-SLIDER WINDOWS
- REAR ESCAPE WINDOW
- TRACK SEATING W/TRACK INSERT IN FLOOR ONLY
- GALVANIZED STEEL SIDEWALLS
- GALVANIZED STEEL SKIRTS
- ROOF ONE PIECE COMPOSITE PER LF
- FIBERGLASS REAR CAP
- DRIP RAIL OVER PASSENGER ENTRY DOOR
- RUST INHIBITOR: FLOOR, FRAME, LOWER SIDEWALLS
- ANTI CORROSION PROTECTED STEP WELLS AND WINGS RIGHT
- HAND GRAB RAIL
- LEFT HAND GRAB RAIL WITH STANCHION AND MODESTY PANEL
- BATTERY BOX W/SLIDE TRAY BLACK (FREIGHTLINER)
- DUAL BATTERIES
- LED INTERIOR DOME LIGHTS
- LED DUAL STEPWELL LIGHTS
- ALL LED EXTERIOR LIGHTING
- BLACK STEEL POWDER COATED REAR BUMPER
- STAINLESS STEEL FUEL/DEF DOORS
- REAR EXHAUST
- REAR MUD FLAPS
- FOAM INSULATION 1/2" THICK - R VALUE 8
- FULL BODY UNDERCOATING



BASE VEHICLE EQUIPMENT (AS SPECIFIED BY STATE)

BATTERY, BOX S/S SLIDE/TRAY
EXHAUST, STREET SIDE
ENGINE COMPARTMENT LIGHT LED 12" STRIP
EXTENSION, TIRE VALVE STEM
SPARE TIRE/WHEEL 19.5" SHIP LOOSE
UNDERCOAT CAB
MANUAL, PARTS
AS BUILT WIRING DIAGRAMS
AUXILIARY 12V POWER SOURCE W/ COVER
CIRCUIT BREAKERS IN LIEU OF FUSES
LIGHT, REAR CENTER BRAKE "LED"
LIGHTS, DOOR ACTUATED DOME
MASTER DISCONNECT SWITCH (BODY ONLY)
EXTERIOR KEY SWITCH
LEGEND ELECTRICAL BOX
BATTERIES,DUAL 750CCA
RADIO, AM/FM/CD PLAYER W/ 4 SPEAKERS REI
MIC HANDHELD IN-DASH REI
PAGE,SPEAKER EXTERIOR (EACH)
BACK-UP CAMERA SYST 7" MON. & 1 CAM REI
RADIO, TWO WAY PREP
FLOORING - COVED UP SIDEWALL
FLOORING, FULL RUBBER GRAY RCA (PER FOOT) (QTY 38)
PLYWOOD, 5/8" MARINE TECH FLOOR
YELLOW STANDEE LINE
YELLOW STEP EDGE NOSINGS
ACT 70,000 BTU A/C, OEM COMPRESSOR PLUS TM-16 ADD ON COMPRESSOR, EZ-5 EVAPORATOR, CS-3 CONDENSOR
HEAT CIRCULATION PUMP
HEATER 65, 000 BTU (QTY 2)
BUMPER, ANTI-RIDE SHIELD
DOOR, ENTRANCE 40" ELECTRIC CUTAWAY W/AUTO REVERSE
TRANSIGN,VISTA LED DESTINATION FRT/SIDE
LIFT PKG BRAUN NCL1000FIBHB3451-2 403/4
DUAL PANEL LIFT DOORS W WINDOWS, ADA LIFT LIGHTING, ADA ENTRY LIGHTING
PARK INTERLOCK, FAST IDLE, PRIORITY SEATING SIGNS, WHEELCHAIR LOCATION SIGNS
L-TRACK FRONT TO BACK PER W/C (QTY 2)
L-TRACK LENGTH OF W/C SPACE ABOVE WINDOW
BACKUP ALARM (SMALL)
EXTINGUISHER FIRE 5 POUND
FLARE KIT - REFLECTOR
GRAB RAILS, CEILING (QTY 2)
KIT, FIRST AID - 24 UNIT
MIRROR, INTERIOR 6.0" X 16.0"
MIRRORS ROSCO HTD/RMT M2
SEAT BELT WEB CUTTER
STANCHION, EXTRA W/MODESTY PANEL
STANCHION, W/MODESTY/DRIVERS BARRIER
FRONT GLOVE BOX, LOCKING
DOOR,CONTROL ACCESS 40" DOOR
INTERIOR, CEILING FRP (PER FOOT) (QTY 38)
INTERIOR, WALLS FRP (PER FOOT) (QTY 38)



PASSENGER, PULL CORD YELLOW
PASSENGER, TOUCH TAPE
SIGNAL, CHIME 2-TONE (ADA)
SIGNAL, PASSENGER STOP REQUEST BULKHEAD MOUNTED
MID HI FEATHERWEIGHT RIGID W/T LEG DOUBLE (QTY 12)
LEVEL 3 FABRIC UPGRADE (PER PASSENGER) (QTY 24)
SEAT BELT - UNDER SEAT RETRACTOR - DOUBLE-FREEDMAN (QTY 10)
FREEDMAN US ARM (FLIP UP) (QTY 12)
PADDED AV GRAB HANDLE TOP BLACK (QTY 12)
INTERLOCK,E-SERIES INTERMOTIVE GTWY 505
SPORTWORKS APEX 3 BIKE RACK
STANDARD NON-RETRACT. 60" SEATBELTS AT REAR ROW SEATS
NEED DIAMOND MODEL XV W/ 2 VAULTS
QRT 360 TIEDOWN L-TRACK WC 18/19 RE (QTY 2)
ADD'L PRE-WIRE COILED IN OVERHEAD STORAGE
DECALS "VIDEO CAMERA IN USE" - IN ENGLISH & SPANISH
REDUNDANT GROUND BETWEEN CHASSIS & POWER UNIT
12" SEATBELT EXTENSION (QTY 2)
ADD'L PREWIRE TO TERMINATE IN OVERHEAD COMPARTMENT
QSTRAINT #Q8-6324 LAP BELT EXTENDER
TRIANGLE YIELD SIGN
FIVE (5) CAMERA SEON SYSTEM

Freightliner Custom Chassis Corporation

A proposal for
FOREST RIVER BUS: DEALER COPY

Prepared by
Freightliner Custom Chassis
April Newton

Aug 08, 2024

Freightliner Custom Chassis Corp S2C

2025MY 279" WB Cummins 6.7L 22.5" TIRES & WHEELS, OEM SPARE TIRE & WHEEL
AIR BRAKES; AIR SUSPENSION; B220 ALLISON TRANSMISSION,
26500 LBS GVWR, NO-SLIP DIFFERENTIAL, POWER LOCKS/WINDOWS,
LH MIRROR, RADIO, ELECTRONIC STABILITY CONTROL
ORDOT CITY OF WOODBURN



Components shown may not reflect all spec'd options and are not to scale

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 1 of 12

Freightliner Custom Chassis Corporation

S P E C I F I C A T I O N P R O P O S A L

Data Code	Description
Price Level	
PRL-884	COMMERCIAL BUS CAB/CHASSIS MY 2025 (EFF: 01/08/24)
Data Version	
DRL-024	SPECPRO21 DATA RELEASE VER 024
Vehicle Configuration	
001-342	S2C 106 CONVENTIONAL CAB AND CHASSIS
002-004	SET BACK AXLE - TRUCK
003-001	LH PRIMARY STEERING LOCATION
General Service	
A66-99D	EXPECTED FRONT AXLE(S) LOAD : 9000.0 lbs
A68-99D	EXPECTED REAR DRIVE AXLE(S) LOAD : 17500.0 lbs
ADJ-99D	GROSS VEHICLE WEIGHT ADJUSTMENT +/- : 0.0 lbs
A63-99D	EXPECTED GROSS VEHICLE WEIGHT CAPACITY : 26500.0 lbs
AA1-005	CHASSIS CONFIGURATION
A85-045	CITY TRANSIT BUS
AA3-045	CHARTER/SHUTTLE/TRANSIT BUS/MOTOR COACH
A84-1BU	BUS TRANSPORTATION BUSINESS SEGMENT
AA4-014	PASSENGERS COMMODITY
AA6-002	DOMICILED, USA (EXCLUDING CALIFORNIA AND CARB OPT-IN STATES)
AA5-002	TERRAIN/DUTY: 100% (ALL) OF THE TIME, IN TRANSIT, IS SPENT ON PAVED ROADS
AB1-008	MAXIMUM 8% EXPECTED GRADE
AB5-001	SMOOTH CONCRETE OR ASPHALT PAVEMENT - MOST SEVERE IN-TRANSIT (BETWEEN SITES) ROAD SURFACE
AF3-2GA	STARTRANS BUS
AF2-998	NO STATE/PROVINCE DOMICILE SELECTED

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 2 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
Engine	
101-3JT	CUM B6.7 240 HP @ 2400 RPM, 2600 GOV, 600 LB/FT @ 1600 RPM
Engine Controls & Parameters	
162-002	IGNITION SWITCH CONTROLLED ENGINE STOP
99C-124	EPA10 GHG24/CARB24 ULNOX CONFIGURATION
99D-017	CARB CERT NOT FOR INIT REG IN CARB STATES -CLEAN IDLE (6X4 LABELS SHP LOOSE)
79A-075	75 MPH ROAD SPEED LIMIT
79B-004	CRUISE CONTROL SPEED LIMIT 1 MPH LOWER THAN ROAD SPEED LIMIT
79G-998	NO IDLE SHUTDOWN CONFIGURATION
79K-017	PTO MODE ENGINE RPM LIMIT - 2300 RPM
79M-001	PTO MODE BRAKE OVERRIDE - SERVICE BRAKE ONLY ENABLED
79P-009	PTO RPM W/CRUISE SET SW - 1200 RPM
79Q-005	PTO RPM WITH CRUISE RESUME SWITCH - 1000 RPM
79S-009	PTO MODE CANCEL VEHICLE SPEED - 0 MPH
79U-006	PTO GOVERNOR RAMP RATE - 200 RPM PER SECOND
79W-001	ONE REMOTE PTO SPEED
79X-009	REMOTE PTO SPEED 1 SETTING - 1200 RPM
80G-002	PTO MINIMUM RPM - 700
80J-004	REGEN INHIBIT SPEED THRESHOLD - 1 MPH
80M-002	ALTERNATE SWITCH SPEED 950 RPM
80N-002	MAXIMUM ENGINE RPM = 2500 ON VSS FAILURE
80L-004	ENABLE DPF REGEN STAY WARM
Engine Equipment	
266-100	700 SQ-IN ALUMINUM RADIATOR
105-001	ENGINE MOUNTED OIL CHECK AND FILL
111-001	15W-40 WT ENGINE OIL
190-001	DONALDSON 1-STAGE AIR CLEANER
188-050	AIR INTAKE THROUGH LH SIDE OF HOOD
189-001	AIR INTAKE PIPING - CLNR TO ENGINE
192-004	AIR CLEANER MOUNTED ON FIREWALL
124-1CC	LN 12V 270 AMP 4949PA PAD MOUNT ALTERNATOR WITH AC TAPS



Freightliner Custom Chassis Corporation

Data Code	Description
292-1D7	(3) ALLIANCE MODEL 1131, GROUP 31, 12V MAINTENANCE FREE 2775 CCA THREADED STUD BATTERIES
290-017	BATTERY BOX FRAME MOUNTED
282-045	SINGLE BATTERY BOX FRAME MOUNTED LH SIDE UNDER CAB 62" (1575MM) AFT OF STD
291-001	FRAME GROUND RETURN FOR BATTERY CABLES
289-006	PLASTIC BATTERY BOX COVER
293-077	SMART BATTERY SHUT-OFF SWITCH
107-032	CUMMINS 18.7 CFM AIR COMPRESSOR WITH INTERNAL SAFETY VALVE
108-002	STD MECH AIR COMP GOV
131-012	STEEL AIR COMPRESSOR DISCHARGE LINE
152-040	ELECTRONIC ENGINE INTEGRAL WARNING AND DERATE PROTECTION SYSTEM
128-1A3	CUMMINS SINGLE STAGE EXHAUST BRK INTEGRAL W/VARIABLE GEOMETRY TURBO
28F-014	ENG ATD, AUTO OVER THE ROAD REGEN & VIRTUAL REGEN REQUEST SW IN CLUSTER
234-025	HORIZONTAL DIESEL PARTICULATE FILTER AFTERTREATMENT DEVICE
235-076	RH IB FRAME MTD HZ ATD
23U-009	10 GALLON DEF TANK LH FRAME MTD
35W-001	EXHAUST MITIGATION DEVICE FTL 4" ID SLIP-FIT
237-072	HORIZONTAL TAILPIPE, EXIT LH REAR OF CHASSIS
273-004	BORG WARNER VISCOUS FAN DRIVE
110-003	CUMMINS SPIN ON FUEL FILTER
118-001	FULL FLOW OIL FILTER
267-001	REMOTE MOUNTED SURGE TANK
103-039	ANTIFREEZE TO -34F, OAT (NITRITE & SILICATE FREE) EXTENDED LIFE COOLANT
171-007	GATES BLUE STRIPE COOLANT HOSES OR EQUIVALENT
172-016	CONSTANT TORQUE BREEZE CLAMPS ON 1" IN DIA AND GREATER, SS CLAMPS LESS THAN 1"
261-001	STANDARD CHARGE AIR COOLER PLUMBING
270-998	NO OPTIONAL RADIATOR PLUMBING
168-002	LOWER RADIATOR GUARD
138-010	PHILLIPS-TEMRO 750 WATT/115 VOLT BLOCK HEATER

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 4 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
140-010	CHROME ENGINE HEATER RECEPTACLE TEMPORARILY MOUNTED TO ENGINE
134-001	ALUMINUM FLYWHEEL HOUSING
155-058	DELCO 12V 38MT HD STARTER WITH INTEGRATED MAGNETIC SWITCH

Transmission

342-1MW	ALLISON B220 AUTOMATIC TRANSMISSION WITH PARK PAWL WITHOUT PTO PROVISION
---------	---

Transmission Controls & Parameters

345-093	T-HANDLE CABLE SHIFT CONTROL WITH PARK POSITION AND PARK INTERLOCK SOLENOID
353-032	VEHICLE INTERFACE WIRING WITH ADA INTERLOCKS
343-301	PKG 354 - 1K/2K RDS/EVS/HS/MH/PTS/SPS - 5TH GEN
97F-002	ALLISON TRANS - SEM/LRTP REQ
97G-001	TRANS PROG-ENABLED
84C-003	5, 3, 2, 1 - D, 3, 2, L -1K/2K PRIMARY GEARS
85B-011	RANGE INDICATION,PARK,NEUT
84U-001	SECONDARY MODE INPUT - MODE SWITCH,FOR 1000/2000 PRODUCT FAMILIES ONLY
84W-004	AUX RNG INHIBIT,DUAL

Transmission Equipment

370-015	WATER TO OIL TRANSMISSION COOLER, IN RADIATOR END TANK
346-001	TRANSMISSION OIL CHECK AND FILL
35T-001	SYNTHETIC TRANSMISSION FLUID (TES-295 COMPLIANT)

Front Axle & Equipment

400-1A5	DA-F-10.0-3 10,000# FF1 71.5 KPI/3.74DROP SINGLE FRONT AXLE
403-002	NON-ASBESTOS FRONT BRAKE LINING
402-020	MERITOR 15X4 Q+ CAM FRONT BRAKES
404-074	HALDEX LONGSTROKE FRONT BRAKE CHAMBERS
405-002	MERITOR AUTOMATIC FRONT SLACK ADJUSTERS
419-023	CONMET CAST IRON FRONT BRAKE DRUMS
418-030	CONMET IRON FRONT HUBS
409-006	FRONT OIL SEALS



Freightliner Custom Chassis Corporation

Data Code	Description
408-001	VENTED FRONT HUB CAPS W/WINDOW, CENTER AND SIDE PLUGS - OIL
40T-001	ORGANIC SAE 80/90 FRONT AXLE LUBE
416-022	STANDARD SPINDLE NUTS FOR ALL AXLES
618-002	STANDARD CUPS AND CONES (WHEEL BEARINGS) FRONT AND REAR
536-050	TRW THP-60 POWER STEERING
534-015	2 QUART SEE THROUGH POWER STEERING RESERVOIR

Front Suspension

620-019	9,000# TAPERLEAF FRONT SUSPENSION
619-005	MAINTENANCE FREE RUBBER BUSHINGS - FRONT SUSPENSION
629-998	NO FRONT SWAYBAR
410-017	SACHS FRONT SHOCK ABSORBERS

Rear Axle & Equipment

420-1GH	DA-RS-17.5-4 17,500# R-SERIES SINGLE REAR AXLE
421-478	4.78 REAR AXLE RATIO
424-001	IRON REAR AXLE CARRIER WITH STANDARD AXLE HOUSING
386-055	SPL100 DANA SPICER MAIN DRIVELINE WITH HALF ROUND YOKES
41T-002	SYNTHETIC 75W-90 REAR AXLE LUBE
393-001	DRIVELINE GUARD
452-007	TRAC-TECH FULL TIME NO-SPIN DIFFERENTIAL SINGLE REAR AXLE
423-020	MERITOR 16.5X7 Q+ CAST SPIDER CAM REAR BRAKES, DOUBLE ANCHOR, FAB'D SHOES
433-002	NON-ASBESTOS REAR BRAKE LINING
434-001	CAM SUPPORT BRACKETS
451-023	CONMET CAST IRON REAR BRAKE DRUMS
440-006	REAR OIL SEALS
435-998	NO DRIVELINE PARKING BRAKE
426-074	HALDEX GOLDSEAL LONGSTROKE 1-DRIVE AXLE SPRING PARKING CHAMBERS
428-002	MERITOR AUTOMATIC REAR SLACK ADJUSTERS

Rear Suspension

622-216	23,000# AIRLINER REAR SUSPENSION WITH CHAIN CLEARANCE
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Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 6 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
621-007	AIRLINER HIGH POSITION RIDE HEIGHT
888-002	MANUAL DUMP VALVE FOR AIR SUSPENSION W/INDICATOR LIGHT, W/O GAUGE
910-004	DUAL AIR REAR SUSPENSION LEVELING VALVES
87D-001	REAR AIR SUSPENSION DUMP VALVE AUTOFILL W/IGNITION OFF OR >5 MPH W/IND LIGHT
630-001	REAR SWAYBAR
439-017	SACHS REAR SHOCK ABSORBERS

Tag Axle & Equipment

443-998	NO TAG AXLE
---------	-------------

Brake System

018-002	AIR BRAKE PACKAGE
490-101	WABCO 4S/4M ABS WITH TRACTION CONTROL
871-001	REINFORCED NYLON, FABRIC BRAID & WIRE BRAID CHASSIS AIR LINES
901-001	FIBER BRAID HOSE FRONT SERVICE BRAKE
902-001	FIBER BRAID HOSE REAR SERVICE BRAKE
904-001	FIBER BRAID PARKING BRAKE HOSE
412-001	STANDARD BRAKE SYSTEM VALVES
413-002	STD U.S. FRONT BRAKE VALVE
432-003	RELAY VALVE W/ 5-8 PSI CRACK PRESSURE NO REAR PROPORTIONING VALVE
46D-002	STANDARD AIR SYSTEM PRESSURE PROTECTION
46E-001	STANDARD AIR MANAGEMENT UNIT
480-083	WABCO SS-1200 PLUS AIR DRYER W/INTEGRAL AIR GOVERNOR AND HEATER
479-003	AIR DRYER MOUNTED INBOARD ON LH RAIL
483-004	WABCO OIL COALESCING FILTER FOR AIR DRYER
460-008	STEEL AIR BRAKE RESERVOIRS MTD INSIDE RAIL
477-024	BW DV-2 AUTO DRAIN VALVE WITH HEATER ON ALL TANK(S)

Wheelbase & Frame

545-707	7075MM (279 INCH) WHEELBASE
546-080	5/16X3.00X10-1/8 INCH STEEL FRAME (7.94MMX257.2MM/0.312X10.13 INCH) 80KSI
552-145	3925MM (155 INCH) REAR FRAME OVERHANG
553-001	SQUARE END OF FRAME

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 7 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
550-001	FRONT CLOSING CROSSMEMBER
559-001	STANDARD WEIGHT ENGINE CROSSMEMBER
562-001	STANDARD MIDSHIP #1 CROSSMEMBER(S)
565-001	STANDARD SUSPENSION CROSSMEMBER

Chassis Equipment

556-1AR	THREE-PIECE 14 INCH CHROMED STEEL BUMPER WITH COLLAPSIBLE ENDS
558-001	FRONT TOW HOOKS - FRAME MOUNTED
574-001	BUMPER MOUNTING FOR SINGLE LICENSE PLATE
586-024	FENDER & FRONT OF HOOD MOUNTED FRONT MUDFLAPS
551-006	ZINC PLATED HEX HEADED FRAME FASTENERS
49B-004	ENHANCED STABILITY CONTROL
54L-998	NO BODY BUILDER CLIP/CLAMPING AFT
99U-018	"BUY AMERICA ORDER"

Fuel Tanks

230-001	60 GALLON/227 LITER RECTANGULAR STEEL FUEL TANK - BETWEEN RAILS
5A3-003	PETROLEUM DIESEL FUEL
205-009	LH SIDEFILL FUEL TANK CAP
20J-002	FUEL FILLER NECK WITH STRAIGHT FLANGE
122-1J1	DETROIT F/W SEP W/WIF SENSOR, HAND PRIMER & 12V PREHEATER

Tires

093-12G	GOODYEAR ENDURANCE RSA 255/70R22.5 16 PLY RADIAL FRONT TIRES
094-12G	GOODYEAR ENDURANCE RSA 255/70R22.5 16 PLY RADIAL REAR TIRES
510-12G	GOODYEAR ENDURANCE RSA 255/70R22.5 16 PLY RADIAL SPARE TIRE

Hubs

450-030	CONMET IRON REAR HUBS
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Wheels

502-431	ACCURIDE 29001 22.5X7.50 10-HUB PILOT 5-HAND STEEL DISC FRONT WHEELS
505-431	ACCURIDE 29001 22.5X7.50 10-HUB PILOT 5-HAND STEEL DISC REAR WHEELS
511-164	ACCURIDE 29001 22.5X7.50 10-HUB PILOT 5-HAND STEEL DISC SPARE WHEEL

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 8 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
498-049	FREIGHTLINER VALVE STEMS
Cab Exterior	
829-071	106" BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
651-004	LH CAB DOOR(S) WITH 70 DEGREE DOOR STOP
653-997	OMIT STANDARD RH DOOR ASSEMBLY
655-026	LH CAB DOOR LATCHES WITH ELECTRIC DOOR LOCKS, NO RH DOOR LOCK
682-085	OPENING IN BACK OF CAB W/TEMPORARY STRUCTURE
650-009	RUBBER CAB MOUNTS
664-001	PLAIN STEP FINISH
644-004	FIBERGLASS HOOD
690-010	ENGINE COMPARTMENT PREMIUM NOISE ABATEMENT AND INSULATION
646-023	HOOD MOUNTED CHROMED PLASTIC GRILLE
65X-003	CHROMED HOOD MOUNTED AIR INTAKE GRILLE
726-002	DUAL ELECTRIC HORNS
657-001	DOOR LOCKS AND IGNITION SWITCH KEYED THE SAME
312-038	INTEGRAL HEADLIGHT/MARKER ASSEMBLY WITH CHROME BEZEL
311-001	DAYTIME RUNNING LIGHTS
294-027	WIRING ONLY WITH SEPARATE STOP AND TURN LIGHT CIRCUITS TO END OF FRAME FOR CUSTOMER FURNISHED LAMPS
300-015	STANDARD FRONT TURN SIGNAL LAMPS
744-1D4	LH ONLY WEST COAST BRT FIN HTD MIRROR W/RMT
797-001	DOOR MOUNTED MIRRORS
743-207	LH 8" CONVEX MIRROR, BRIGHT FINISH, MTD UNDER PRIMARY MIRRORS
729-001	STANDARD SIDE/REAR REFLECTORS
677-058	DUAL LEVEL ENTRY STEPS LH ONLY
768-997	OMIT REAR WINDOW(S)
661-020	TINTED DOOR GLASS LH WITH TINTED LH NON- OPERATING WING WINDOWS, NO RH WINDOW
654-025	LH ELECTRIC WINDOW REGULATOR, NO RH REGULATOR
663-019	1-PIECE TINTED ROPED-IN WINDSHIELD
659-003	1 GALLON WINDSHIELD WASHER RESERVOIR

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 9 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
969-103	FCCC INSTALLED EMBLEMS ON HOOD
Cab Interior	
707-105	MIST AND CARBON CLOTH INTERIOR "PROFESSIONAL"
772-006	BLACK MATS WITH SINGLE INSULATION
785-027	(2) 12V DASH MOUNTED POWER OUTLETS
691-001	FORWARD ROOF MOUNTED CONSOLE
738-021	DIGITAL ALARM CLOCK IN DRIVER DISPLAY
742-007	(2) CUP HOLDERS LH AND RH DASH
680-029	M2/SD DASH
130-003	SANDEN COMPACT AIR CONDITIONER COMPRESSOR
685-118	FCCC COMPLETED DASH A/C ONLY, NO OTHERFCCC SUPPLIED AC COMPONENTS
700-002	HEATER, DEFROSTER AND AIR CONDITIONER
703-005	MAIN HVAC CONTROLS WITH RECIRCULATION SWITCH
698-001	RADIATOR MOUNTED AIR CONDITIONER CONDENSER
702-002	BINARY CONTROL, R-134A
170-041	ADDITIONAL AUXILIARY LINES WITH MANIFOLD PLUMBING AND COMBINED SHUTOFF TO DASH AND AUXILIARY HEATER
739-034	PREMIUM INSULATION
285-013	SOLID-STATE CIRCUIT PROTECTION AND FUSES
324-1B3	STD LED CAB LIGHTING
32H-013	STEPWELL LAMP ON WITH DOOR(S) OPEN
284-045	(2)12V POWER RECEPTACLES MTD IN DASH
70K-016	CARBON WITH BASE BLACK ACCENT
756-339	PREMIUM (L2) ISRI HB AIR SUSP DRVR SEAT W/2 AIR LMBR,INT CUSH EXT,TLT & ADJ SHCK
760-997	OMIT STANDARD FRONT PASSENGER SEAT
757-998	NO SEAT SKIRT(S)
759-009	INBOARD DRIVER SEAT ARMREST, NO PASSENGER SEAT ARMREST
711-006	LH INTEGRAL DOOR PANEL ARMREST, NO RH ARMREST
758-022	BLACK MORDURA CLOTH DRIVER SEAT COVER



Freightliner Custom Chassis Corporation

Data Code	Description
763-031	3 POINT FIXED D-RING RETRACTOR DRIVER SEAT BELT; NO PASSENGER BELT
706-013	MOLDED PLASTIC DOOR PANEL
693-036	LH DOOR STORAGE POCKET
9EE-001	CEEA+ 667 ELECTRICAL ARCHITECTURE
532-002	ADJUSTABLE TILT AND TELESCOPING STEERING COLUMN
540-044	4-SPOKE 18" (450MM) BLACK STEERING WHEEL WITH SWITCHES
765-002	DRIVER AND PASSENGER INTERIOR SUN VISORS

Instruments & Controls

732-998	NO INSTRUMENT PANEL-DRIVER
734-023	CONFIGURABLE LOWER PANEL WITH INTEGRATED UPPER STORAGE
870-001	BLACK GAUGE BEZELS
811-044	PREMIUM INSTRUMENT CLUSTER W/5.0" TFT COLOR DISPLAY
810-027	ELECTRONIC MPH SPEEDOMETER WITH SECONDARY KPH SCALE, WITHOUT ODOMETER
812-001	ELECTRONIC 3000 RPM TACHOMETER
840-001	DUAL NEEDLE PRIMARY & SECONDARY AIR PRESSURE GAUGE
852-002	ELECTRIC ENGINE OIL PRESSURE GAUGE
856-001	ELECTRICAL ENGINE COOLANT TEMPERATURE GAUGE
836-015	DIGITAL VOLTAGE DISPLAY INTEGRAL WITH DRIVER DISPLAY
844-001	2 INCH ELECTRIC FUEL GAUGE
864-022	DIGITAL TRANS OIL TEMP INDRIVER DISPLAY
486-001	LOW AIR PRESSURE LIGHT AND BUZZER
830-017	ENGINE AND TRIP HOUR METERS INTEGRAL WITHIN DRIVER DISPLAY
198-002	INTAKE MOUNTED AIR RESTRICTION INDICATOR WITH GRADUATIONS
149-015	ELECTRONIC CRUISE CONTROL W/CONTROLSON STEERING WHEEL SPOKES
160-025	DIAGNOSTIC INTERFACE CONNECTOR, 9 PIN, SAE J1939, LOCATED BELOW DASH
148-079	PROG RPM CTRL WITH A/C OR 12.75V LOW VOLTAGE AUTO HIGH IDLE

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 11 of 12

Freightliner Custom Chassis Corporation

Data Code	Description
746-137	AM/FM/WB WORLD TUNER RADIO W/BLUETOOTH, USB & AUXILIARY INPUTS, J1939
747-001	DASH MOUNTED RADIO
750-055	2)RADIO SPEAKERS IN CAB & WRG ONLY FOR (2)BODYBUILDER INTERFACE SPKRS
753-008	AM/FM ANTENNA MOUNTED ON LH SIDE MIRROR
329-102	PROV FOR TWELVE BODY BUILDER SUPPLIED SWITCHES
660-008	SINGLE ELECTRIC WINDSHIELD WIPER MOTOR WITH DELAY
304-065	ROTARY HDLAMP SWITCH, MRKR LTS/HDLTS SW W/O FOG/RD LMPS
882-049	ONE VALVE PARKING BRAKE SYSTEM WITH WARNING INDICATOR, PNEUMATIC SERVICE BRAKE INTERLOCK AND CUSTOMER CONTROLLED PARK BRAKE RELEASE SOLENOID
299-013	SELF CANCELING TURN SIGNAL SWITCH WITH DIMMER, WASHER/WIPER AND HAZARD IN HANDLE
298-055	INTEGRAL ELECTRONIC TURN SIGNAL FLASHER W/40A (20A/SIDE) BODY BUILDER PROVISION
835-005	CGW W/DIAG(500K),CAB(500K),CHAS(667K), EXT(500K),AND J1939(500K) CAN

Design

065-196	PAINT: ONE SOLID COLOR; BASE/CLEARCOAT
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Color

980-5F7	CAB COLOR A: L0007EY WHITE ELITE EY
98A-998	NO GRILLE PAINT
986-019	CHASSIS PAINT: VENDOR BLACK
962-972	POWDER WHITE (N0006EA) FRT WHEELS/RIMS(PKWHT21, TKWHT21, W, TW)
966-972	POWDER WHITE (N0006EA) REAR WHEELS/RIMS(PKWHT21, TKWHT21, W, TW)
96F-972	POWDER WHITE (N0006EA) SPARE WHEEL/RIM(PKWHT21, TKWHT21, W, TW)

Certification / Compliance

996-001	U.S. FMVSS CERTIFICATION
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Special Narrative Instructions

Application Version 11.9.905
Data Version PRL-884.024
FRB S2C 25MY WoodburnOR 279wb
AirBrkSusp...



08/08/2024 4:21 PM

Page 12 of 12

AMENDMENT NUMBER 1
ODOT GRANT AGREEMENT NO. 35355
City of Woodburn

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as **State**, and **City of Woodburn**, hereinafter referred to as **Recipient**, entered into an Agreement on **October 20, 2022**. Said Agreement is to secure financial assistance to complete the activities described in Exhibit A.

It has now been determined by **State** and **Recipient** that the Agreement referenced above, although remaining in full force and effect, shall be amended to extend the Agreement period and revise Exhibit A.

Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to "Exhibit A" shall hereinafter be referred to as "Revised Exhibit A."

Page 1, Agreement, Paragraph 1, which reads:

1. **Effective Date.** This Agreement shall become effective on the later of **July 1, 2022** or the date when this Agreement is fully executed and approved as required by applicable law. Unless otherwise terminated or extended, Grant Funds under this Agreement shall be available for Project Costs incurred on or before **June 30, 2025** (Expiration Date). No Grant Funds are available for any expenditures after the Expiration Date. State's obligation to disburse Grant Funds under Agreement shall end as provided in Section 10 of this Agreement.

Shall be deleted in its entirety and replaced with the following:

1. **Effective Date.** This Agreement shall become effective on the later of **July 1, 2022** or the date when this Agreement is fully executed and approved as required by applicable law. Unless otherwise terminated or extended, Grant Funds under this Agreement shall be available for Project Costs incurred on or before **June 30, 2027** (Expiration Date). No Grant Funds are available for any expenditures after the Expiration Date. State's obligation to disburse Grant Funds under Agreement shall end as provided in Section 10 of this Agreement.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW

City of Woodburn, by and through its

City Administrator

By



(Legally designated representative)

Name

Scott Derickson

(printed)

Date

6/6/2024

By

Name

(printed)

Date

APPROVED AS TO LEGAL SUFFICIENCY

(If required in local process)

By

Recipient's Legal Counsel

Date

Recipient Contact:

Kathleen McClaskey
270 Montgomery Street
Woodburn, OR 97071
1 (503) 9825245
Kathleen.mcclaskey@ci.woodburn.or.us

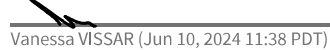
State Contact:

Arla Miller
555 13th Street NE
Salem, OR 97301-4179
1 (503) 949-5415
Arla.MILLER@odot.state.or.us

Signed Agreement Return Address: ODOTPTDReporting@odot.state.or.us

State of Oregon, by and through its
Department of Transportation

By


Vanessa VISSAR (Jun 10, 2024 11:38 PDT)

Suzanne Carlson

Public Transportation Division Administrator

Date

06/10/2024

APPROVAL RECOMMENDED

By

Arla Miller

Date

05/15/2024

APPROVED AS TO LEGAL SUFFICIENCY

(For funding over \$250,000)

Amendment changes to this Agreement are within the scope of the original or previously amended version; therefore, legal sufficiency review is exempt under OAR 137-045-0050(2).

**Revised Exhibit A
 Project Description and Budget**

Project Description/Statement of Work

Project Title: STGB City of Woodburn 35355				
<i>The City of Woodburn plans to replace its 2009 Champion medium-size, heavy-duty transit bus with a new diesel-fueled bus of a similar size and passenger capacity.</i>				
P-21-1841-01 Item #1: Bus STD 35ft				
	Total	Grant Amount	Local Match	Match Type(s)
	\$419,000.00	\$375,969.00	\$43,031.00	State
Sub Total	\$419,000.00	\$375,969.00	\$43,031.00	
Grand Total	\$419,000.00	\$375,969.00	\$43,031.00	

1. PROJECT DESCRIPTION

Purchase 1 transit vehicle as follows: useful life - 10 years or 350,000 miles; approximate length - #30 feet; estimated number of seats - 25 to 35; estimated number of ADA securement stations - 2; fuel type - Diesel.

Purchase includes all equipment and supplies necessary to put the vehicle into service.

The following vehicle has been approved for replacement in this Agreement:

2009/Freightliner/Champion; 4UZAB0DT0ACAR8853.

2. PROJECT DELIVERABLES, SCHEDULE and USE

All purchases and installations must be completed prior to the expiration date of this Agreement.

Vehicles Milestones estimated dates.

- Project start date: May 30, 2024*
- RFQ Date: May 30, 2024*
- Contract Award: June 30, 2024*
- First Vehicle Delivered: June 30, 2026*
- All Vehicles Delivered: June 30, 2026*
- Contract Completion Date: June 30, 2026*

For vehicles procured using State Price Agreement contracts managed by the Oregon Department of Administrative Services, all vehicle orders will be reviewed and approved by State prior to submission to selected vendor. State is responsible for submitting vehicle orders to selected vendor. If Recipient does not purchase from the State Price Agreement contracts managed by the Oregon Department of Administrative Services, Requests for Proposals to procure the vehicles must be reviewed by State prior to solicitation for bids. All vehicle orders will be reviewed by State prior to submission to the selected vendor.

This Agreement provides funding to purchase passenger transportation vehicles to be used to provide public transportation service. Public transportation service is defined as service to the general public or special populations such as seniors and individuals with disabilities. Recipient may use the vehicles to coordinate public and human service transportation services with other agencies. Recipient will not lease the vehicles to another agency without the permission of State.

State will retain title to the vehicles as primary security interest holder as long as the vehicles remain in public transportation service. Recipient must request permission from State to release title for disposal when planning to sell or transfer a vehicle which has exceeded the minimum useful standard for age or mileage, and must notify State when actual disposal has been completed. Recipient must request permission from State in advance to transfer or otherwise

dispose of a vehicle prior to its meeting federal useful life standards. Recipient must request permission from State to release title for changes.

Recipient will create and maintain a vehicle maintenance plan that utilizes the original equipment manufacturer (OEM) maintenance requirements for each vehicle and meets FTA transit asset management requirements in 49 CFR 625. Recipient will follow the plan to ensure each vehicle is maintained in a state of good repair. Recipient will provide State a copy of the maintenance plan upon request.

2. PROJECT ACCOUNTING and MATCHING FUNDING

Eligible expenses that may be charged to this Agreement include grant administration, the cost of the procurement process, delivery charges and post-delivery inspections. Aftermarket equipment, graphics and other items directly associated with these vehicles and required to put the vehicles into service are eligible. Purchase of an extended warranty is an eligible expense; however, the eligible warranty shall not exceed the defined useful life of the vehicles. Licensing and other post-delivery expenses are not eligible for reimbursement.

Recipient will provide matching funding from non-federal source(s). Sources of funding that may be used as matching funding for this Agreement include Special Transportation Formula Funds, local funds, service contract revenue, advertisement income, other earned income, cash donations, and other verifiable in-kind contributions that are integral to the project budget. Recipient may not use passenger fares as matching funding.

Recipient will subtract income from fares, tickets, and passes whether pre-paid or post-paid, from the gross operating expenses of the service. Under this Agreement, State will bear the sum remaining after the amount of Recipient's required share of local matching funds is subtracted from the total project expenses. Recipient may not count the same costs twice if they have multiple agreements for which these costs may be eligible.

3. REPORTING and INVOICING REQUIREMENTS

Recipient will provide reporting information as prescribed by State on the vehicles purchased under this Agreement as long as the vehicles remain in public transportation service. Recipient will submit a request for reimbursement in a format provided by State. Reimbursement requests must include the following: a cover letter and copies of all invoices associated with expenses identified for reimbursement. Pre-award and post-delivery certification forms documenting compliance to Altoona bus testing, Federal Motor Vehicle Safety Standards, Buy America, and Disadvantaged Business Enterprise requirements.