

OREGON REVISED STATUTES (ORS)

508.485 Revocation and refusal to renew license for violation of commercial fishing laws or rules or theft of crab fishing gear. Except for vessel licenses prescribed in ORS 508.285, 508.470, 508.755, 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of the license year any license issued to such person under the authority of the commission or the State Fish and Wildlife Director, and in its discretion may refuse the issuance of any license issued under the authority of the commission or director during any period not to exceed one year from the date of the license revocation order:

- (1) Upon conviction within this state of any person of violation of any of the commercial fishing laws or rules;
- (2) Upon receiving notice from the agency that regulates commercial fishing in the State of Washington of the conviction of any person in that state of an offense which was a violation of Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and which if committed in this state would be grounds for license revocation pursuant to subsection (1) of this section;
- (3) Upon conviction within this state of any person for violation of ORS 498.022, or any rule promulgated pursuant thereto, involving game fish, through the use of a license issued pursuant to the commercial fishing laws; or
- (4) Upon conviction within this state of a person for violation of ORS 164.043 to 164.065 when the subject of the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom. [Amended by 1965 c.570 §74; 1971 c.569 §1; 1977 c.350 §6; 1987 c.213 §4; 1997 c.252 §1; 1999 c.1051 §276]

508.490 Refusal to issue license within two years after license revocation. Except for vessel licenses prescribed in ORS 508.260 and vessel permits prescribed in ORS 508.285, 508.470, 508.755, 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of any license issued under the authority of the commission or the State Fish and Wildlife Director during any period not to exceed two years from the date of the license revocation order:

- (1) Upon conviction within this state of any person of violation of any of the commercial fishing laws or rules after such person has once been convicted and penalized under ORS 508.485; or
- (2) Upon receiving notice from the agency that regulates commercial fishing in the State of Washington of the conviction of any person in that state of an offense which was a violation of Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and which if committed in this state would be grounds for refusal to issue a license pursuant to subsection (1) of this section.

OREGON ADMINISTRATIVE RULE 635-006-0235

Revocation of and Refusal to Issue Commercial Fishing and Fish Dealer Licenses

(1) Except as provided in section (2) of this rule in accordance with ORS 508.485 and 508.490, upon the third conviction or third forfeiture of bail within three years for violation of any of the Commercial Fishing Laws of the State of Oregon or for conviction in the State of Washington of an offense which was a violation of Columbia River Commercial fishing rules adopted pursuant to the Columbia River Compact, by any person, the Commission shall initiate contested case proceedings in accordance with the Administrative Procedures Act (ORS Chapter 183) to revoke, or refuse to issue, licenses issued under the Commercial Fishing Laws (Chapters 506–513).

(2) Convictions or forfeiture of bail for exceeding trip limits in the groundfish trawl fishery, where the trip limit has not been exceeded by more than 15%, shall not be considered as a conviction or forfeiture of bail for purposes of section (1) of this rule.

(3) The Commission shall appoint a hearings officer to conduct the contested case hearing prescribed in section (1) of this rule.

(4)(a) In addition to the hearings officer, the Commission may appoint a three-member License Revocation Board to be present at the hearing and to make advisory recommendations to the Commission concerning revocation or refusal to issue a license to that person. License revocation boards shall consist of members representing the following fishing industries:

- (A) Troll salmon;
- (B) Gillnet salmon;
- (C) Groundfish and shrimp;
- (D) Crab;
- (E) All other commercial fisheries.

(b) Only members from the appropriate License Revocation Board shall participate in hearings related to their subject area. The hearings officer shall notify the appropriate License Revocation Board of the date, time and place of the hearing, and shall provide any other public notice required by ORS Chapter 183;

(c) At the hearing, the board may request the hearings officer call additional witnesses or seek additional evidence;

(d) At the conclusion of the hearing, the board shall prepare written recommendations concerning the disposition of the case, which the License Revocation Board shall serve on all parties and forward to the Commission.

(5) A proposed order in the form prescribed by OAR 137-003-0070, including findings of fact and conclusions of law, shall be prepared by the hearings officer, served on all parties, and shall be forwarded to the Commission.

(6) In accordance with ORS Chapter 183, the Commission shall provide an opportunity to all parties to respond in writing within a period set by the Commission to the proposed order of the hearings officer and to the written recommendations submitted by the License Revocation Board.

(7) In deciding whether to revoke or refuse to issue a license, the Commission shall consider:

(a) The recommendation of the License Revocation Board;

(b) The gravity of the most recent offense, including whether the offense was a felony and whether the offense involved a closed season, closed area, or *unlawful* gear;

(c) The gravity of the other commercial fishing offenses of which the person has been convicted or forfeited bail;

(d) The impact of the offense on the fisheries resources of the state or, where relevant, on the State of Washington, including consideration of the species involved;

(e) Whether the person also has been convicted of or forfeited bail for violations of the Wildlife laws of the State of Oregon.

Stat. Auth.: ORS 183, 508.485 & 508.490

Stats. Implemented: ORS 508.485 & 508.490