

# FROG

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Nonetheless, for the next four years, Miller said he was never hassled once for selling joke books. But beginning early last year Miller was ticketed by police two times for operating without a license.

However, he said he was operating on private property, at the Fall Creek Bakery, at 881 E. 13th Ave., with the permission of the owner, Shirley Valentine.

Subsequently the city threatened to fine the Fall Creek Bakery for allowing Miller to sell joke books on its property, he said.

In response, Miller said he was definitely selling on the public sidewalks this year when ticketed, because he didn't want to put the people at Fall Creek Bakery in any trouble while his earlier fines were being appealed.

In April 1990 Bocci struck down the ordinance as a violation of the equal protection clause of the Oregon Constitution. The city appealed the rul-

ing to Lane County District Court.

District Judge Ann Aiken overturned Bocci's ruling in August and sent it back to the Municipal Court, where Judge Wayne Allen upheld the fine and prohibited Miller from walking on city sidewalks with his book bag.

Bocci's ruling Thursday upheld the ordinance not because Bocci agreed with Aiken, but because judges have to follow the rulings from a higher court when it sends a case back to the lower courts, Kelly said.

In the meantime, the council has asked the city staff to look into changing the ordinance, Shuler said. However, even if the code is broadened, there will still be a finite number of licenses issued, particularly in the University area.

Miller had also been in 'hot water' with local authorities at the beginning of 1990, when he was arrested across from Kinko's Copies on 13th Avenue and charged with consuming alcohol on unlicensed premises.



## Vroom, vroom

OSPIRG member Lee Avery demonstrates what kind of toys can be potentially hazardous for infants less than 3 years old. Avery was taking part in a training session promoting toy safety.

Photo by Kim Nguyen

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