

3 VAC 5-70-210. Schedule of penalties for first-offense violations.

Any licensee charged with any violation of Board regulations or statutes listed below, if the licensee has not had any substantiated violations of regulation or statute within the three years immediately preceding the date of the violation, may enter a written waiver of hearing and (i) accept the period of license suspension set forth below for the violation, or (ii) pay the civil charge set forth below for the violation in lieu of suspension. Any notice of hearing served on a licensee for a violation covered by this section shall contain a notice of the licensee's options under this section. Any licensee who fails to notify the Board of its intent to exercise one of the options provided for under this section within twenty days after the date of mailing of the notice of hearing shall be deemed to have waived the right to exercise such options, and the case shall proceed to hearing. For good cause shown, the Board may, in its discretion, allow a licensee to exercise the options provided for under this section beyond the twenty-day period.

<u>VIOLATION</u>	<u>SUSPENSION</u>	<u>CIVIL CHARGE</u>
<u>Sale of beer, wine or mixed beverages to a person at least 18 but under 21 years of age.</u>	<u>25 days</u>	<u>\$2,000</u>
<u>Allowing consumption of beer, wine, or mixed beverages by a person at least 18 but under 21 years of age.</u>	<u>25 days</u>	<u>\$2,000</u>

<u>Aiding and abetting the purchase of alcoholic beverages by a person at least 18 but under 21 years of age.</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have not been paid.</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have been paid.</u>	<u>7 days</u>	<u>\$500</u>

<u>Allow gambling on premises, if licensee, agent, or employee is participant, but is not conducting the gambling event or operation.</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Allow gambling on premises, if licensee, agent, or employee is not participant nor conducting the gambling event or operation.</u>	<u>7 days</u>	<u>\$500</u>
<u>Allow an intoxicated person to loiter on the premises.</u>	<u>7 days</u>	<u>\$500</u>
<u>Sale to an intoxicated person.</u>	<u>25 days</u>	<u>\$2,000</u>

<u>Allow consumption by an intoxicated person.</u>	<u>25 days</u>	<u>\$2,000</u>
<u>After hours sales or consumption of alcoholic beverages.</u>	<u>10 days</u>	<u>\$1,000</u>
<u>No designated manager on premises.</u>	<u>7 days</u>	<u>\$500</u>
<u>Invalid check to wholesaler or Board</u>	<u>7 days</u>	<u>\$250</u>
<u>Failure to keep records.</u>	<u>7 days</u>	<u>\$500</u>

<u>Failure to maintain mixed beverage food ratio required by statute (not applicable if ratio falls below 30%).</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Inadequate illumination.</u>	<u>7 days</u>	<u>\$500</u>
<u>ABC license not posted.</u>	<u>7 days</u>	<u>\$500</u>
<u>Not timely submitting report required by statute or regulation.</u>	<u>7 days</u>	<u>\$500</u>

<u>Designated manager</u> <u>not posted.</u>	<u>7 days</u>	<u>\$500</u>
<u>Person less than 18</u> <u>serving alcoholic</u> <u>beverages; less than 21</u> <u>acting as bartender.</u>	<u>7 days</u>	<u>\$500</u>
<u>Sale of alcoholic</u> <u>beverages in</u> <u>unauthorized place or</u> <u>manner.</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Consumption of</u> <u>alcoholic beverages in</u> <u>unauthorized area.</u>	<u>7 days</u>	<u>\$500</u>

<u>Removal of alcoholic beverages from authorized area.</u>	<u>7 days</u>	<u>\$500</u>
<u>Failure to obliterate mixed beverage stamps.</u>	<u>7 days</u>	<u>\$500</u>
<u>Employee on duty consuming alcoholic beverages.</u>	<u>7 days</u>	<u>\$500</u>
<u>Conducting illegal happy hour.</u>	<u>7 days</u>	<u>\$500</u>
<u>Illegally advertising happy hour.</u>	<u>7 days</u>	<u>\$500</u>

<u>Unauthorized advertising.</u>	<u>7 days</u>	<u>\$500</u>
<u>Failure to remit state beer/wine tax (if deficiency has been corrected).</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Wholesaler sale of wine/beer in unauthorized manner.</u>	<u>10 days</u>	<u>\$1,000</u>
<u>Wholesaler sale of wine/beer to unauthorized person.</u>	<u>10 days</u>	<u>\$1,000</u>