

# ABC Board Sets Guidelines for Cases involving Sale of Alcoholic Beverages to Underage

On October 7, 2002, the ABC Board met to discuss the number of disciplinary cases coming before the Board involving licensees who have been repeatedly charged with sales of alcoholic beverages to those below the legal age. The Board feels strongly that there must be an improvement in compliance with the law, and that repeat offenders should face greater penalties—especially those who are

found to make such sales repeatedly within a short period of time.

The Code of Virginia allows the Board to revoke or suspend licenses for these violations, with the ability to impose monetary penalties of up to \$2,500 for a first offense and \$5,000 for a subsequent offense in lieu of all or part of a suspension. Therefore, the Board has established the following guidelines for the custom-

ary penalties in certain situations. While each case will be examined on its own merits and the actual penalty imposed in a particular case may be higher or lower, based upon aggravating or mitigating circumstances, the penalties listed below will be the expected result in the absence of evidence justifying a variation.

Offense	Suspension	To Be Lifted After	Upon Payment of a Civil Penalty of
1st Offense of sale to someone under the legal age or allowing consumption by underage person	25 days	0 days	\$2,000
2nd offense within 3 yrs.	30 days	10 days	\$3,000
3rd offense within 3 yrs.	60 days	15 days	\$5,000
3rd offense, if all 3 offenses occur within a 1-year period	60 days	30 days	\$5,000

## Sticker Shock Goes Statewide in Virginia



Robbie Bach (center) and Krista Edleman, members of Youth in Action, participated in the Sticker Shock program by placing preventative stickers on beer cases at the King's Charter Food Lion Tuesday Dec. 10, 2002.

A ABC Education piloted the first edition of its newest underage drinking prevention youth project in December 2002, Project Sticker Shock. Lynchburg, Manassas, Vienna, Blacksburg and New Kent Co. were selected as the test commu-

nities for this exciting new project. The project was adapted from the Guide for Statewide Sticker Shock Project developed by the Pennsylvania Liquor Control Board and a Handbook for youth and community groups for implementation of Project Sticker Shock developed by the Maine Office of Substance Abuse.

The Sticker Shock program is designed to reach those persons 21 years of age or older who might illegally purchase alcohol and provide it to minors. During specified periods local youth throughout the state will visit participating licensees to place prevention stickers on all multi-packs of beer, wine coolers, and other alcohol products that might appeal to underage drinkers.

Each community that participated in

the December implementation has received priceless media coverage and overwhelming support from community members. Most communities received media coverage from the local newspapers or local news station and some received both. The youth found the project to be fun and were able to interact with adults with whom they traditionally would not have had an opportunity to share their prevention message. The project represents a partnership between youth, licensees, concerned parents and community members, prevention professionals, and law enforcement. The goal of the project is to educate persons of legal drinking age of the underage laws and raise public awareness about underage drinking.

# Ask ABC: Questions from the Field

“Ask ABC” is intended to provide answers to common and not-so-common questions that affect ABC retail licensees and their employees. This serves as an easy-to-use supplement to all of the education materials already offered through ABC, but is not a legal document and does not supersede the Code of Virginia, Virginia Administrative Code or any other statute.

Q. Can a licensee give away drinks “on the house” or free?

A. No. Section 3VAV 5-70-100 prohibits licensees from giving gifts of alcoholic beverages “on the house.”

Q. If my bouncer checks a person's ID at the door, does the bartender or waiter need to?

A. Yes, the server is still responsible for making certain that the person they are serving is at least 21 years of age. The responsibility of age verification is at the point of service not at entry into the establishment. Section 4.1-304 of the Code of Virginia states:

No person shall, except pursuant to subdivisions 1 through 5 of § 4.1-200, sell any alcoholic beverages to any person when at the time of such sale he knows or has reason to believe that the person to whom the sale is made is (i) less than twenty-one years of age, (ii) interdicted, or (iii) intoxicated.

Q. What is meant by a “public” place?

A. Section 4.1-100 of the Code of Virginia, defines a “public place” as: — any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies, and corridors of hotels, and any highway, street, lane, park, or place of public resort or amusement.”

Have a retail license question for ABC?

To submit a question to Ask ABC, please e-mail your question and a photo (jpeg preferred) of your establishment to: [lcwine@abc.state.va.us](mailto:lcwine@abc.state.va.us)



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Visit ABC online at [www.abc.state.va.us](http://www.abc.state.va.us)



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# LICENSEE

## newsletter



VIRGINIA DEPARTMENT of ALCOHOLIC BEVERAGE CONTROL

## None for the Road

Statistics from the Department of Motor Vehicles (DMV) show that all holidays are key in the rise in alcohol-related fatalities. *None For the Road* committee members are trying to change this trend by urging celebrants to exercise responsibility and make sure at least one driver in each holiday group enjoys non-alcoholic beverages.

"We must all get involved as a community," said ABC Education Manager Maureen Earley. "This means involving parents, teachers, public and private businesses, health organizations, law enforcement, churches and synagogues. Talk to the people at work about this issue, talk to people at the gym about this issue, talk to your neighbors about it. Let's do our part to promote public safety for all hol-

idays throughout the year."

Partners on Virginia's *None for the Road* committee include DMV, the Virginia Department of State Police, the Virginia Department of Health, the Virginia Department of Education, the Virginia Center for School Safety, the Virginia Alcohol Safety Action Program, the Virginia Sheriff's Association, DRIVE SMART Virginia, the Virginia Association of Chiefs of Police and Mothers Against Drunk Driving and ABC.

For more information on organizing events or other aspects of the *None for the Road* campaign please visit our Web site at:  
[www.abc.state.va.us/Education/none4road/none4road-02.html](http://www.abc.state.va.us/Education/none4road/none4road-02.html).



Virginia's *None for the Road* committee has taken its message to the roads on highway billboards. The program is administered by ABC and funded by a grant from Department of Motor Vehicles (DMV).



Bus transit advertising offers *None for the Road* extensive coverage as the message moves with the vehicles across Virginia.

## ABC to Implement ID Scanning in its Stores

ABC is in the process of outfitting its stores with a newer "build" of software which presents the cashiers with the capability to scan licenses. This software has other functions, so installation has been limited to one location at this time. "Our software vendor, Triversity, has been working with ABC to correct all concerns," said Gary Bond, Policy and Planning Specialist for Wholesale/Retail Operations. Testing will begin in the ABC Central Office lab, then in one ABC store,

before increasing installation.

The way the scanning works is the cashier must press an "ID Challenge" key if the customer is suspected to be under 30. When this is pressed, the cashier will receive an "Enter ID number" prompt. The license will be scanned at this time. If the customer is under 21, the sale is aborted. This should help in situations where employees misread information on the licenses, but it won't help if a customer is using someone else's license.

This type of ID scanning may benefit all ABC licensed establishments. "An attorney representing a number of licensees contacted me advising me that the restaurants would like to explore the possibility of acquiring this scanning capability," said Bond. Cashiers still need to diligently examine licenses, specifically the photo, to ensure the person pictured on the ID is the person attempting to make the purchase.

## Enforcement Update



S. Christopher  
Curtis, Director of  
ABC Bureau of  
Law Enforcement

**C**ongratulations are in order for the licensee community, because non-compliance rates for the Underage Buyer program have come down considerably. Based on a snapshot of the first three months of the fiscal year, rates that had remained level at 23 to 24 percent for several years have dropped below 20 percent.

Hopefully these lower rates will stand

the test of time, and we can continue the trend to reduce the rates even more. This is a huge step in the right direction for public safety in Virginia.

So, what caused the break in the rate that had plateaued over the past several years? I suspect a number of factors have come into play to help raise the compliance rate. We have developed and disseminated a number of training programs and materials, several of which are featured in this issue, that are Virginia specific and offered in conveniently condensed class or video formats. I encourage each of you to continue to utilize these programs in support of your business.

Also, the aggressive penalty schedule

adopted by the Board for selling/serving to underage persons has served as a deterrent.

But, most importantly, it is the attitude of our retail community to dedicate itself to raising the compliance rate. Numerous individual and chain retailers have told me about their renewed efforts in avoiding sales or service to underage persons.

Those efforts are beginning to pay dividends and I commend you for your contribution to this improving trend. Keep up the good work and let's keep this trend heading in the current direction.

## Managers Alcohol Responsibility Training Schedule Unveiled

**T**he Spring 2003 Managers Alcohol Responsibility Training (MART) schedule has been announced and managers are encouraged to sign up for any of the remaining classes across the state. The MART brochure contains a full slate of classes and has been mailed to all licensees. All classes will run from 10 a.m. to 4 p.m.

The one-day training will help On- and Off-premise managers become more responsible and to better understand Virginia laws, rules and regulations. MART is a four-hour training that was specifically designed by a team of licensee

managers, special agents and other ABC staff. Participants will learn about Virginia laws, checking IDs, employing minors, proper advertising and other management related issues. This training will give managers an opportunity to clarify myths and misinformation and get answers directly from ABC special agents.

Participants can register on-line at [www.abc.state.va.us/education](http://www.abc.state.va.us/education). Directions are also posted on the ABC Web site or participants can contact their regional office directly. Space is limited, so managers are encouraged to register at least two weeks in advance on-line or by using

the MART brochure. Those who don't have a copy of the brochure or access to the Internet, may call (804) 213-4688.

### Some of the topics covered in MART include:

- \* Requirements to operate an On- or Off-premise licensed business
- \* Review of ABC laws and consequences
- \* How to properly check IDs
- \* Managing confrontational situations with customers
- \* Review of sample alcohol policies
- \* Technical assistance available from ABC special agents



### 2003 Schedule 10 a.m. to 4 p.m.

- |          |   |   |
|----------|---|---|
| April 16 | — | Richmond ABC Central Office Hearings Room   |
| April 22 | — | Alexandria ABC Regional Office Hearings Room  |
| May 6    | — | Verona, Augusta County Government Center  |
| May 13   | — | Chesapeake ABC Regional Office Hearings Room  |
| May 20   | — | Lynchburg ABC Regional Office Hearings Room   |
| June 3   | — | Roanoke ABC Regional Office Hearings Room<br>(Class will take place in the adjoining DEQ meeting room). |

For more information, call ABC Education at (804) 213-4688.

# Licensee violations and penalties: October 2002-February 2003

Compiled by Public Affairs

As a result of ABC Bureau of Law Enforcement investigations and the ABC hearings process, the following businesses received a minimum sanction of 25 to 30-day suspension and \$1,000 fine from October 2002 - February 2003. These sanc-

tions are reported to raise the awareness of ABC licensed businesses. The intent is to inform licensees of the potential penalties for violating Virginia's ABC Laws and Regulations.

These are examples selected randomly

for publication. It is the hope that making licensees aware of these major violations will serve as a deterrent. Most licensed establishments operate clean and safe businesses as encouraged by the Virginia ABC Board.

Licensee	Violation	Penalty
Barkers Quick Shop/Marion	Sold to underage person	25 days suspended or \$2,500 fine
Beijing Cafe/Richmond	Inaccurate & incomplete records; Failed to notify ABC of changes within management; manager unable to write, read, speak, understand English	Revoked
Boomer's Penny Pincher/Leesburg	Licensee illegally possessed, distributed, sold or used or let employees illegally possess, distribute, sell or use marijuana on premises	90 days suspended or \$1,000 fine and 45 days suspended with 3 years on probation
C&T Restaurant/Eastville	An officer, director, manager or shareholder convicted of a felony or any crime or offense involving moral turpitude	Revoked
Central Market & Deli/Radford	Sold to underage person	Accepted Offer in Compromise 20 days suspended and \$1,000 fine
China Chef Restaurant/Falls Church	Owner not legitimate; failed to timely submit to Board annual review report; licensee had not demonstrated financial responsibility; manager unable to write, read, speak, or understand English	Revoked
Circle Seafood Restaurant/Portsmouth	Licensee cannot demonstrate financial responsibility	Revoked
Crown VA 059/Tappahannock	Sold to underage person	Accepted Offer in Compromise with 3 days suspended and \$5,000 fine
7-Eleven Store 2513 21222/Radford	Sold to underage person	30 days suspended or \$4,000 & 20 days suspended
7-Eleven Store 2554 20117/Arlington	Sold to underage person	30 days suspended or \$5,500 and 10 days suspended; probation 2 years
7-Eleven Store 2515 23934/Richmond	Sold to underage person	60 days suspended or \$5,500 and 15 days suspended
G&J Landmark/North Tazewell	Cannot demonstrate financial responsibility; licensee purchased wine or beer except for cash paid & collected at the time of or prior to delivery	Revoked
Garrisonville Shell/Stafford	Sold to underage person	25 days suspended or \$2,000 fine

## Licensee violations and penalties *continued*

Licensee	Violation	Penalty
Green's Family Market/Lynchburg	Licensee failed to have a designated manager; kept and stored unauthorized alcohol; employed person convicted of a felony; denied special agents access to all areas of the premises; does not qualify as a grocery store; allowed illegal gambling on premises	Revoked
Independence Retread/Independence	Sold to underage person	25 days suspended or \$2,000 fine
Ingram Imports, Inc./Alexandria	Sold wine to retail licensees & failed to remit to the Board the State Wine Tax collected; failed to file Wine Wholesalers Tax report due by the 15th of each month	Accepted Offer in Compromise for 10 days suspended and \$2,000 fine
In & Out Food Store/Newport News	Sold to underage person	Accepted Offer in Compromise for 30 days suspended or \$4,500 fine
Kroger #300/Lynchburg	Sold to underage person	30 days suspended or \$5,000 fine
LA Boca Restaurant/Virginia Beach	Allowed removal of alcohol by employee while on duty; sold to underage person; inaccurate & incomplete records	30 days suspended or \$1,375 fine
McGoo's Pub/Midlothian	Allowed removal of alcohol from authorized area; sold to intoxicated person on 3 different occasions	30 days suspended or \$2,500 fine
Moe's Resturant/Roanoke	Sold to underage person	Revoked

### RSVP Training Coming This Fall

Virginia ABC will introduce a new training this fall to help sellers and servers become more responsible and to better understand ABC laws, rules and regulations. Responsible Sellers and Servers: Virginia's Program (RSVP) is a two-hour class designed specifically for Virginia's On- and Off-premise licensees by a team of ABC special agents and Education staff.

The class will instruct employees on how to prevent sales to minors and intoxicated customers, how to spot fake IDs, the proper way to document alcohol-related incidents and much more. RSVP participants will also learn about the laws and administrative regulations that govern alcohol sales and consumption in Virginia.

RSVP will take place at ABC regional offices throughout Virginia. Check the ABC Web site at [www.abc.state.va.us](http://www.abc.state.va.us) for more updates and information. A brochure announcing the trainings will also be sent to all licensees. For more information, please call Education at (804) 213-4688.

### ABC Prices Increase

Virginia's General Assembly passed a budget with additional revenue requirements for the Department based on the assumption that prices will be raised an average of 2.4 percent on top of the 2.6 percent already included in the Governor's budget proposal. The total mark-up has resulted in an average of a five percent increase in the shelf prices of distilled spirits in our stores. The price increase is effective April 1.