

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION



November 4, 2008

Lynne Breaux, RAMW
Skip Coburn, DC NLA
Emily Durso, HAWDC
c/o Restaurant Association of
Metropolitan Washington
1200 17th Street, NW, Suite #110
Washington, DC 20036

Re: ABC Board Sale to Minor Policy Changes

Dear Ms. Breaux, Mr. Coburn, and Ms. Durso:

Thank you for appearing on October 15, 2008 to discuss the Alcoholic Beverage Control Board's (Board) existing sale to minor policies. I wanted to provide you with an update regarding the Board's October 29, 2008 decision based upon the testimony and suggestions presented at this hearing. Specifically, the Board has decided to adopt changes to its existing sale to minor procedures for: (1) the penalties for first offense settlement conferences, (2) the penalties for second offense settlement conferences, (3) private functions, and (4) educational outreach. Additionally, the Board intends to explore with the Council of the District of Columbia (Council) possible legislative solutions on this issue. The changes adopted by Board on October 29, 2008 are listed below.

1. First Offense Settlement Conference Penalties

The Board has decided to change the penalty offered to licensees by ABRA staff at settlement conferences for first-time sale to minor violations. The new penalty to be offered by ABRA staff will give licensees one of two options to resolve the violation. The first option is: (a) payment of a \$1,000 fine and (b) a five (5) day suspension with one day served (must be a Thursday) and four (4) days stayed for one year. The second option is: (a) payment of a \$2,000 fine and (b) a five (5) day suspension with all five (5) days stayed for one year. If the first option is chosen, the suspension day will be required to be served by the licensee on a day that the establishment would normally be operating. This change shall apply to all first-time sale to minor offenses that occur on or after October 29, 2008.

2. Second Offense Settlement Conference Penalties

The Board has decided to change the penalty offered to licensees by ABRA staff at settlement conferences for second sale to minor violations. The new penalty to be offered by ABRA staff

will include: (a) payment of a \$3,000 fine and (b) a ten (10) day suspension with four days served (must include a Thursday) and six (6) days stayed for one year. A licensee with a second sale to minor offense within one year shall also be required to serve any previously stayed suspension days. A suspension will be required to be served by a licensee on days that the establishment would normally be operating. This change is effective immediately.

3. Private Function Exceptions.

The Board has decided to allow licensees to select the date of their Thursday suspension day or four-day suspension day (to include a Thursday) in order to accommodate previously scheduled private events. However, the suspension day(s) shall be required to be served within two months of the settlement date. Served suspension days do not apply to minibars in private hotel guest rooms. The Board has also decided to implement several guidelines for an on-premises consumption licensee to follow when a suspension is in place. These are: (1) the Board will not approve a temporary or a one-day substantial change application for the licensed premises, and (2) a licensed caterer may be used for private events. However, the on-premises licensee is required to submit its list of private events at the time the suspension dates are scheduled.

4. Educational Outreach.

ABRA is in the process of completing easy-to-use fact sheets for licensees to educate them regarding common ABRA violations for their specific license class. Once these fact sheets are completed, ABRA investigators will be responsible for educating transfer applicants on ABRA fact sheets, sale to minor policies, and other ABC laws and regulations.

5. Legislative Options.

The Board intends to explore additional legislative solutions with the Council, including giving the Board the authority to issue higher fines, in lieu of additional suspension days for sale to minor violations.

I hope this information is helpful. Please feel free to contact me with any questions or concerns that you may have at (202) 442-4423.

Sincerely,



Peter B. Feather
Chairperson
Alcoholic Beverage Control Board