

**ALCOHOL BEVERAGE CONTROL BOARD  
FACT FINDING HEARING  
SALE TO MINORS POLICY**

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**TESTIMONY OF  
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In my position as President of the Restaurant Association Metropolitan Washington (RAMW), I talk to member restaurateurs on a daily basis. Over the past year and a half I have been hearing more and more that ours is an industry under siege. The system is broke – let's fix it. We should be looking at the entire system of inspections, fines, and citations, not just the underage drinking issue. This is a “no restaurateur left behind” environment – ABRA seems to be teaching to one issue and the opportunity for a real education is lost.

The impact of the sale-to-minor stings on licensees is devastating for the restaurant and its employees while doing little to actually enhance compliance. Those types of establishments that one could reasonably assume have a problem with underage drinking are *not* neighborhood eateries, are *not* destination fine dining restaurants and are *not* regular haunts of the underage crowd. Yet these types of restaurants are being targeted and stung as if they are notorious dens of teenage iniquity.

Once cited and a suspension scheduled, the restaurant owner is certainly chastised and punished, but the punishment doesn't stop there. In addition to the \$1,500 fine, the restaurant suspension means the loss of revenue on one of the busiest days of the week. This hurts a small business out of all proportion to an initial or once in a blue moon offense.

Of course a suspension means a disruption of the lives of our patrons, but in a very real way the biggest losers, in addition to the restaurant, are the employees of the restaurant who lose a day's pay, the suppliers that sell to the restaurant, and the people of the District of Columbia.

It is obvious what a loss of a day's pay and sales receipts mean, it's less obvious, but no less serious, what the effect is on the good citizens of the District of Columbia.

Although the government of the District of Columbia is collecting \$1,500 from the restaurant, during a suspension the restaurant is not collecting tax on sales. The lost revenue to the District for the Dancing Crab closing on a Thursday would be between \$800 to \$1,000. That's just the beginning – the sales tax, lost payroll to employees, a bruise to the good reputation of the restaurant resulting in additional lost sales and you begin to understand that the District is losing tax revenue at least equal to the \$1,500 fine...probably more.

I am sure we need not remind the Board of the delicacy of the restaurant industry. As with any vulnerable segment of the community, the government of the District of Columbia should be lending a helping hand in the form of coaching and educational meetings rather than these punitive fines that hurt many, many individuals. Of late the ABRA and ABC board have largely been viewed more as a ticket writing body than a true oversight or education body. In the past year we have been visited by more ABC inspectors than the prior decade combined.

The ABRA web-site shows the dramatic increase in fines over the past year which brings into question the judgment, or *mandate*, of the field people in handing out those fines. These figures seem to indicate a concerted effort to increase revenue rather than partner with the restaurant community to ensure the safety of the dining public. Personally, I can say that we do everything we can in our restaurants in terms of training and written policy to ensure compliance with DC law. These stings, then, seem to target the individual employees to catch

them off guard or in unusual circumstances because they certainly don't target our strict company policy or training.

Additionally, there is absolutely no consideration for reasonable and common occurrences in the day-to-day, hour-by-hour operation of a business. One citation was issued when one of my managers was off-premise – *by fifteen feet!* We paid the fine and try to laugh this off as business as usual in the District, but really, this is absurd.

And thirdly, the bigger picture must be taken into account when the Board is considering the imposition of a suspension. Does the restaurant in question have a history of underage drinking citations or is the restaurant's marketing geared toward a younger crowd? Even criminal codes take into consideration first offenses, why shouldn't the restaurant community enjoy that same consideration?