

**PUBLIC HEARING
ON
BILL 17-893
“ALCOHOLIC BEVERAGE ENFORCEMENT ACT OF 2008”**

NOVEMBER 14, 2008

**TESTIMONY OF
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Good morning, Councilmember Graham and members of the Committee. My name is Lynne Breaux and I am the President of the Restaurant Association Metropolitan Washington. Thank you for the opportunity to address the Committee.

As never before the spotlight is on Washington, DC. As the nation's host to the world, that light is shining brightest on this city's restaurant industry. Just as Pennsylvania Avenue is the nation's Main Street, restaurants serve as the nation's dining room. We welcome and sustain visitors of every stripe – political, business and tourist. And we do this as integral members of the community. We are one of the largest employers of Washingtonians. We contribute significantly to public facilities such as the Nationals Stadium and the Walter E. Washington Convention Center. And our industry contributed \$220 million in sales taxes to the District's coffers in 2007 alone. Yet the continued vitality and growth of our industry is a real concern.

The partnership that we should have with the regulatory agencies of the District is all too often an adversarial relationship and is threatening to derail the future of our industry. The testimonies that you will hear from our General Counsel, Andrew Kline, and restaurateurs, as well as a review of the record from the Alcoholic Beverage Control Board Fact Finding Hearing of October 15 will give you an indication of the frustrations, anger and added expense of doing business in the District. The zeal with which fines are levied and the astronomical increase in revenue as cited on ABRA's own website strongly suggest that the culture of enforcement has gone from safeguarding the public

trust to safeguarding a revenue stream. In fact, we now hear that the Board seeks to increase astronomically the fines for sale to minor offenses, which use entrapment techniques to ensnare mostly otherwise compliant restaurants.

We, as a representative association for the restaurant industry, are fully behind reasonable enforcement. To that end we conduct ServSafe Alcohol training under the National Restaurant Association's nationwide program – 755 participants so far this year. We also conduct what you might consider the “graduate” school of alcohol education – HOST Security Training, a program, I might add, that is endorsed by the Alcoholic Beverage Control Board. We want our restaurants to be in compliance, we want our restaurants to be safe environments for the dining public, but the current enforcement strategy seems hell-bent on a “gotcha” mentality and Bill 17-983 promises yet more ways for the Alcoholic Beverage Regulatory Agency to punish licensees.

We are cautiously heartened by a recent ABC Board communication outlining changes to the Sale to Minors Policy. And we are thankful that the Committee is concerned enough about the welfare of the restaurant segment of the small business community to call this hearing to more fully understand the undue regulatory pressure we are under. We ask, in the spirit of this open hearing, that you take into serious consideration the constructive suggestions from our General Counsel for reasonable and balanced enforcement efforts.

Thank you for your time and we look forward to working with the Committee to fix what to us is obviously a broken system.