

TEMPORARY SPECIAL EVENT BEER PERMITS / 32A-10 (Part 3) VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
A. <u>ADVERTISING</u>			
1. Improper advertising:			
a. that contains any statement, design, device, or representation that is false or misleading;	32A-12-401(4)	R81-1-17(6)(b), (7)	MOD, *b
b. that contains any statement, design, device, or representation that is obscene or indecent;	32A-12-401(4)	R81-1-17(6)(c), (7)	MOD, *b
c. that refers to, portrays, or implies illegal conduct, illegal activity, abusive or violent relationships or situation, or anti-social behavior;	32A-12-401(4)	R81-1-17(6)(d), (7)	MOD, *b
d. that encourages over-consumption or intoxication, promotes the intoxicating effects of alcohol, or overtly promotes increased consumption;	32A-12-401(4)	R81-1-17(6)(e), (7)	MOD, *b
e. that offers any unlawful discounting practice such as "happy hour", "two for the price of one", or "all you can drink for \$.....";	32A-12-401(4)	R81-1-17(6)(f), (7)	MOD, *b
f. that encourages or condones drunk driving;	32A-12-401(4)	R81-1-17(6)(g), (7)	MOD, *b
g. that depicts the act of drinking;	32A-12-401(4)	R81-1-17(6)(h), (7)	MOD, *b
h. that promotes or encourages the sale to or use of alcohol by minors;	32A-12-401(4)	R81-1-17(6)(i), (7)	MOD, *b
i. that is directed or appeals primarily to minors by:	32A-12-401(4)	R81-1-17(6)(j), (7)	MOD, *b
(1) using any symbol, language, music, gesture, cartoon character, or childhood figure such as Santa Clause;			
(2) employing any entertainment figure or group that appeals primarily to minors;			
(3) placing advertising in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be minors, or placing			

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advertising on the comic pages of magazines, newspapers, or other publications; (4) placing advertising in any school, college or university magazine, newspaper, program, television program, radio program, or other print media, or sponsoring any school, college or university activity; (5) using models or actors in the advertising that are or reasonably appear to be minors; (6) advertising at an event where most of the audience is reasonably expected to be minors; (7) using alcoholic beverage identification, including logos, trademarks, or names on clothing, toys, games or game equipment, or other materials intended for use by minors.			
j. that portrays use of alcohol by a person while that person is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination;	32A-12-401(4)	R81-1-17(6)(k), (7)	MOD, *b
k. that contains claims of representations that individuals can obtain social, professional, educational, athletic, or financial success or status or solve such problems as a result of consumption;	32A-12-401(4)	R81-1-17(6)(l), (7)	MOD, *b
l. that requires the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion , program or other activity;	32A-12-401(4) 32A-12-606(2)	R81-1-17(6)(n), (7)	MOD, *b
m. that implies by use of appealing characters or life-enhancing images that consumption of the product will benefit the consumer’s health, physical or sexual prowess, athletic ability, social welfare, or capacity to enjoy life’s activities.	32A-12-401(4)	R81-1-17(6)(o), (7)	MOD, *b
2. Advertising scheme that offers alcoholic beverages to patrons or the general public without charge.	32A-12-401(4), (5) 32A-10-306(2)(h)(v)	R81-1-17(6)(m), (7)	MOD, *b

B. AUDIT

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1. Failure to maintain a compliance bond.	32A-10-302(1)(b)(iii) 32A-10-303(6) 32A-10-305		*f
2. Failure to maintain expense and sales records as required.	32A-10-306(1) & (3)		MOD
3. Falsification/tampering with records.	32A-10-306(1) 32A-12-303(1) 32A-12-304		GR, *b, *d
4. Obstructing or failing to allow an officer or department representative from making a search or investigation.	32A-10-302(1)(b)(vii) 32A-10-306(1) 32A-12-305 32A-13-109		GR, *b
5. Change of floor plan without Commission approval.	32A-10-302(1)(b)(v) 32A-10-306(1) & (2)(d)		MOD

C. CONSUMPTION

1. Beer being consumed from a container exceeding 2 liters.	32A-10-306(1) & (2)(e)(ii) 32A-12-201(7)		MOD, *b
2. An individual patron consuming beer from a container exceeding 1 liter.	32A-7-306(1) & (2)(e)(ii) 32A-12-201(7)		MOD, *b
3. Employee consuming alcoholic beverages while on duty.	32A-10-306(1) & (2)(a)(ii)(A)		SER
4. Permitting a person to become intoxicated, or an intoxicated person to consume.	32A-10-306(1) 32A-12-216(1)(a)		GR, *c
5. Permitting a person to consume beer at an event or function that is open to the public without first obtaining a temporary special event beer permit.	32A-10-306(1) 32A-12-201(7), -301(2)		*b, *g

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6. Permitting consumption of beer at locations other than those designated on floor plan.	32A-10-302(1)(b)(v)(C) 32A-10-306(1) & (2)(d)		MOD

D. EMPLOYEE:

1. Employee(s) not supervised by permittee.	32A-10-306(1) & (2)(a)(i)		MOD
2. Employee misrepresenting the price of an alcoholic beverage.	32A-10-306(1)	R81-10B-3(2)	GR
3. Employee consuming alcoholic beverages while on duty.	32A-10-306(1) & (2)(a)(ii)(A)		SER
4. Employee intoxicated while on duty.	32A-10-306(1) & (2)(a)(ii)(B)		GR
5. Minor employee selling, dispensing or handling alcoholic beverages.	32A-10-303(5)(a)(ii) 32A-10-306(1) & (2)(j)		SER
6. Employee allowing a patron to leave with an open container of alcoholic beverages.	32A-10-306(1) & (2)(i),		SER
7. <u>Outdoor and/or large scale public events:</u>			
a. Untrained person(s) assigned to check ID's.	32A-10-306(1)	R81-10B-2(4)(a)(i)(C)	MOD
8. Supervisor or manager convicted of (or arrested for) designated offense.	32A-10-303(2), (3), (6)		*f

E. OPERATIONS:

1. Minors handling alcoholic beverages.	32A-10-303(5)(a)(ii) 32A-10-306(1)		SER, *b
2. DABC permit not displayed.	32A-10-306(1) & (2)(c)(i)		MIN
3. Operational restrictions / permit requirements not posted.	32A-10-306(1) & (2)(c)(ii)		MIN
4. No printed price list available for patrons.	32A-10-306(1)	R81-10B-3(1)	MIN
5. Failure to allow authorized representatives of the department, commission, or law enforcement to have unrestricted entry to the premises of the event.	32A-10-302(1)(b)(vii) 32A-10-306(1) 32A-12-305 32A-13-109		GR, *b

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6. Selling, serving, or storing beer not purchased from a licensed beer wholesaler or a licensed beer retailer.	32A-10-306(1) & (2)(b)(i) 32A-12-201(7), -208		GR, *a, *b
7. Allowing a patron to bring alcoholic beverages onto the premises (brown-bagging).	32A-10-306(1) & (2)(b)(iii) 32A-12-201(7), -213		SER, *b
8. Allowing a patron to leave the premises with an open container of alcoholic beverages.	32A-10-306(1) & (2)(i)		SER
9. Attire and conduct violations including allowing lewd acts or visual reproductions depicting lewd acts.	32A-1-601, -602, -604		GR
10. Allowing gambling or video gaming devices on the premises of the private club.	32A-10-306(5)		GR
11. Offering free beer to patrons.	32A-10-306(1) & (2)(h)(v) 32A-12-401(4), (5)	R81-1-17(6)(m), (7)	MOD, *b, *g
12. Permitting a person to become intoxicated, or an intoxicated person to consume.	32A-10-306(1) 32A-12-216(1)(a)		GR, *c
13. Transferring the permit to another entity.	32A-10-306(1) & (4)		GR
14. Change floor plan without Commission approval.	32A-10-302(1)(b)(v) 32A-10-306(1) & (2)(d)		MOD
15. Selling, storing, serving or allowing alcoholic beverages to be consumed at any location other than what has been approved by the Commission.	32A-10-302(1)(b)(v) 32A-10-306(1) & (2)(d)		MOD
16. Bad checks tendered to the department.	32A-1-113(5)	R81-1-3(6)	*e, *g
17. Knowingly allowing illegal drug activity on premises.	32A-10-306(6)		GR

F. OUTDOOR AND/OR LARGE SCALE EVENT:

1. Proof of age location(s) not separate from where alcoholic beverages are dispensed and sold. <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(i)(A)	MOD
2. Failure to issue wrist bands or hand stamps. <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(i)	MOD
3. Untrained person(s) assigned to check proof of age. <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(i)(C)	MOD
4. Events with no "beer garden": beer dispensing and sales areas located in	32A-10-306(1)	R81-10B-2(4)(a)(ii)	MOD

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same area as food sales. <i>(no waiver)</i>			
5. Beer cups not distinguishable from other beverage cups. <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(iii)	MOD
6. Sale of more than two beers to a customer at one time. <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(iv)	MOD
7. No trained person supervising at dispensing and sale area(s). <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(v)	MOD
8. Minors attending: No "beer gardens". <i>(no waiver)</i>	32A-10-306(1)	R81-10B-2(4)(a)(vi)	MOD
9. Minors in "beer garden" area without a parent or guardian.	32A-10-306(1)	R81-10B-2(4)(a)(vi)	MOD
10. Failure to comply with any additional control measures required by the Commission.	32A-10-306(1)	R81-10B-2(4)(c)	MOD

G PERMIT:

1. Unapproved transfer of permit to another location.	32A-10-302(1)(b)(v) 32A-10-306 (1) & (2)(d) 32A-12-201(7)		GR, *b
2. Attempt to sell, transfer, barter, give, etc. permit to another entity.	32A-10-306(1) & (4)		GR
3. DABC permit not displayed.	32A-10-106(1) & (2)(c)(i)		MIN
4. Failure to obtain a temporary special event beer permit for a public or private event where beer is sold.	32A-10-301(1) & (2) 32A-12-301(2) & (3)		GR, *b

H. PERMITEE:

1. After the day the temporary special event beer permit is granted a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is found to have been convicted</u> of any of the following offenses <u>prior</u> to the permit being granted: <ul style="list-style-type: none"> a. a felony; b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; or 	32A-10-303(2)(a) 32A-10-303(6) 32A-10-306(1)		*f
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c. a crime of moral turpitude. d. driving under the influence of alcohol, any drug, or the combination of the two – twice within 5 years.			
2. On or after the day the temporary special event beer permit is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is convicted of</u> : a. a felony; b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; c. a crime of moral turpitude; or d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.	32A-10-303(2)(b) 32A-10-303(6) 32A-10-306(1)		*f
3. On or after the day the temporary special event beer permit is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is arrested for</u> : a. a felony; b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; c. a crime of moral turpitude; or d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.	32A-10-303(3) 32A-10-303(6) 32A-10-306(1)		*f
4. A minor is found to be serving as a partner, managing agent, manager, officer, director, 20% stockholder, or 20% member of an LLC.	32A-10-303(5)(b) 32A-10-303(6) 32A-10-306(1)		*f
5. Permittee offering free alcoholic beverages to a patron.	32A-10-306(1) & (2)(h)(v) 32A-12-401(4), (5)	R81-1-17(6)(m), (7)	MOD, *b, *g
6. Permittee no longer possesses qualifications required for obtaining the permit.	32A-10-303(6) 32A-10-306(1)		*f, *g

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7. Permittee not supervising and/or directing the storage, sale, or service of alcoholic beverages at an event.	32A-10-306(1) & (2)(b)(ii)		MOD

I. SALES

1. Selling illegally acquired beer.	32A-10-306(1) & (2)(b)(i) 32A-10-101(3), 32A-10-102(1) 32A-12-201(7), -208		GR, *a, *b
2. Sale of, or offered for sale, beer during unauthorized days, times, or places.	32A-10-306(1) & (2)(f)(i) 32A-12-202		MOD, *b
3. Sale of alcoholic beverages <i>by</i> a minor.	32A-10-306(1) & (2)(j)		SER
4. Sale of alcoholic beverages during emergencies.	32A-12-201(7), -207 32A-10-306(1)		GR, *b
5. Sale of 3.2 beer in an open container exceeding 2 liters.	32A-10-306(1) & (2)(e)(ii) 32A-12-206		SER, *b
6. Sale of 3.2 beer to an individual patron in an open container exceeding 1 liter.	32A-10-306(1) & (2)(e)(ii)		SER
7. Sell, deliver, or furnish alcoholic beverages to:			
a. minor	32A-10-306(1) & (2)(g)(i) 32A-12-203		SER, *a, *b
b. intoxicated person	32A-10-306(1) & (2)(g)(ii) 32A-12-204		GR, *a, *b
c. any known habitual drunkard	32A-10-306(1) & (2)(g)(iii)		GR

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d. any known interdicted person	32A-10-306(1) & (2)(g)(iv) 32A-12-205		GR, *b
8. Sale of beer without first obtaining a permit.	32A-10-301(1) & (2) 32A-12-201(7), - 301(2) & (3)		GR, *b
9. Discounting prices:			
a. Selling beer at less than cost.	32A-10-306(1) & (2)(h)(i)		MOD
b. Selling beer at a special or reduced cost that encourages over consumption or intoxication.	32A-10-306(1) & (2)(h)(ii)		MOD
c. Selling beer for special or reduced prices at certain times. (happy hour)	32A-10-306(1) & (2)(h)(iii)		MOD
d. Selling more than one beer for the price of a single beer.	32A-10-306(1) & (2)(h)(iv)		MOD
10. Selling or serving beer at locations other than those designated on floor plan.	32A-10-302(1)(b)(v)(B) 32A-10-306(1) & (2)(d)		MOD
11. Misrepresenting the price of beer.	32A-10-306(1)	R81-10B-3(2)	GR
12. Misrepresenting the brand of beer being served.	32A-12-219		GR
13. Selling alcoholic beverages in any way other than agreed to when holding an outdoor and/or large scale event.	32A-10-306(1)		MOD

J. STORAGE

1. Change of storage area on floor plan without department approval.	32A-10-302(1)(b)(v)(A) 32A-10-306(1) & (2)(d)		MOD
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K.	<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
<u>OTHER</u>	1. Unlawful importations.	32A-10-306(1) & (2)(b)(i) 32A-12-201(2), & (7)		GR, *h

L. TRADE PRACTICES

See violation grid - Industry Trade Practices.

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