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## DABC Launches Utah's Underage Drinking Prevention Campaign

By Doug Murakami, Director of Alcohol Education  
**E**xciting developments are abounding in the DABC's Alcohol Education Division. For starters, the Utah underage drinking prevention workgroup (made up of representatives from the DABC, Utah Highway Safety, Utah Substance Abuse and Anti-violence Coordinating Council, Utah Division of Substance Abuse, Utah Office of

***"Parents are the key. The number one reason teens choose not to drink is parental disapproval."***

*Larry Lunt, DABC Commission Chair*

Education, Utah Attorney General's Office, State Juvenile Courts, Utah Department of Health, and MADD) selected R & R Partners, an advertising agency with offices in Utah, Las Vegas, Phoenix, Reno and Washington D.C., to create and implement Utah's underage drinking prevention media campaign. The DABC formally launched the campaign September 28, 2006, at the State Capitol Building in the Governor's Board Room.

"This was no small or easy task," said Ken Wynn, DABC Director, who was directly involved with the advertising agency selection process. "We listened to presentations, reviewed every one of the two-inch-thick detailed proposals and thoroughly weighed and discussed every aspect of each of them. After working meticulously through the process, the workgroup awarded the campaign to R & R Partners."

R & R Partners' portfolio includes the now famous ad campaign for Las Vegas: ***"What happens in Las Vegas, stays in Las Vegas"*** and most recently they have launched a media campaign for the Utah Transit Authority. These are just a few examples of R & R's work. Mr. Wynn, as well as the entire workgroup, is pleased and excited to be working with R & R Partners and they're confident that the final product will "hit the mark!"

So, what's it all about you ask? Well, we hope by now you've seen or heard some of the advertising spots. Print and radio ads started

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## Underage Drinking Prevention Campaign

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running in September and the first TV spot debuted late in September, with other forms of media outreach to follow. "It's a comprehensive campaign," says Steve Wright, Account Executive in charge of the campaign.

"From the beginning of the proposal process it was clear to us at R & R that the target audience is parents with children ages 10-16. Research indicates campaigns targeted just at youth, are not effective."

To complement the media campaign is a new website: [www.parentsempowered.org](http://www.parentsempowered.org). The website will be an integral piece of the overall campaign and when fully developed, it will be an excellent resource for parents and will provide innovative, fun and effective ways to communicate with your kids... stay tuned! Take a look, the site is up and running now, with many exciting enhancements to follow...TBA!

"Parents are the key," says Larry Lunt, DABC Commission Chair. "The number one reason teens choose not to drink is parental disapproval."

**S**tudies show parents can significantly reduce the likelihood that their children will use alcohol by doing the following:

1. **Setting clear rules and expectations about not drinking.**
2. **Knowing their children's schedules and checking in on them regularly.**
3. **Knowing their children's friends, and their friends' parents.**
4. **Staying involved in their children's lives, especially academically.**

Chairman Lunt added, "Alcohol is the number one drug abused by youth, and many kids in our state are beginning to drink in the sixth grade, some even earlier. Many parents do not begin talking to their kids about alcohol until they're in high school and by then, it's almost too late! It is critical for parents to have and maintain an open

dialogue with their children regarding the consequences of drinking alcohol and they should do this at an early age and discuss it often."

So why is it so important for youth not to drink alcohol? Underage drinking is against the law and is dangerous, not just from a safety point-of-view, but as a health concern as well. New research shows a teen's brain is undergoing rapid development, much more than previously thought. The brain is being "wired together" throughout adolescence.

**U**nderage drinking interferes with brain development, and may cause permanent damage to memory, judgment, reasoning, learning and impulse control.

Since a teen's brain is so different from an adult's, underage alcohol use also greatly increases kids' chances of becoming alcohol dependant. Research shows youth who begin drinking before age 15 have a 40% chance of becoming an alcoholic, versus a 7% chance for those who put off drinking until the legal age of 21.

Because of this compelling new information, the media campaign strategy will first focus on educating parents of the "harms" of underage drinking. The campaign then will move into a "skills" focus, providing parents with "tools" to motivate them into taking action. Expect the underage drinking prevention campaign to be informative, at times light-hearted but with a clear message, innovative, and comprehensive. Look for it coming soon!

**T**he DABC would like to thank all licensees for their ongoing support to keep alcohol away from minors. We understand the challenges you face every day and applaud your efforts. As you know, there is no single strategy that will reduce underage drinking, but collectively, we are making a difference.♦

## Preventing Intoxication

by Neil Cohen

**T**his newsletter's Violations and Penalties section shows several violations involving the "sale to intoxicated persons" and the penalties are quite severe. This article is directed to on-premise sellers of alcohol to express the need for licensees to reinforce their efforts in preventing intoxication.

Most people use alcohol responsibly. But no doubt, you have experienced patrons whose sole purpose is to go out and get drunk in order to have a good time. As a seller of alcohol, you have a legal responsibility not to over-serve your patrons. You have a duty to keep your guests on the safe side of social drinking.

It is against the law to serve someone to the point of intoxication and it is against the law to serve alcohol to an intoxicated person. If you do, you could be charged criminally with a class A or B misdemeanor. You could also be sued civilly if the intoxicated person injures someone.

To help prevent intoxication on your premises, all

employees and their supervisors must take and pass a class that teaches the responsible service of alcohol. These classes must cover and concentrate the instruction in these areas:

- how to recognize the signs of intoxication
- how to assess a patron's level of intoxication
- how to handle and deal with patrons who must be slowed down or cut off
- how to keep patrons who may have drunk too much from driving

Server training classes are widely available throughout the state and on-line. The classes are taught by private providers (SII, SMART, TIPS, learn2serve.com, TEAM, and others). A list of approved programs follows this article and is available on line at:

<http://www.dsamh.utah.gov/stateapprovedproviders.htm>

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**PREVENTING INTOXICATION***...Continued from the previous page*

**O**ver-service of alcohol to the point of intoxication is classified as a “grave” violation of Utah law. For a first offense, in addition to the criminal penalties, licensees can face administrative penalties that start at a 10 day suspension of the license and/or a fine of \$1,000. Depending on any aggravating circumstances, the penalty can range all the way to revocation of the license and a fine of up to \$25,000. An employee who serves an intoxicated patron can be fined up to \$300 and suspended from work for 10 to 120 days.

Do your best not to over-serve your patrons. Use intervention techniques that are taught in the classes such as:

- keeping track of how much your patrons have been served;
- Slowing down service;

- Offering food or nonalcoholic beverages;
- Serving water with drinks;
- Not encouraging reorders; and
- Cutting off service.

Use your best efforts to provide alternate means of transportation to get problem patrons home safely such as:

- Ask the customer to arrange alternative transportation;
- Call a taxi or transportation service;
- Arrange accommodations for the night; and
- Telephone the police if necessary.

You and your employees need to take and retake this class every three years. But don't wait three years to review the techniques. Establish house policies and hold regular training sessions with your employees and go over the steps you should be taking to prevent your patrons from becoming intoxicated.

People's lives depend on it.♦

**Approved On-Premise Alcohol Server Training and Educational Programs****Service Industries, Inc.** (Serves Wasatch Front)

3438 Buck Circle  
Salt Lake City, UT 84121  
801-942-0742  
Contact: Lou Bertram

**The SMART Program** (Statewide)

PO Box 71115  
Salt Lake City, UT 84171  
801-265-9435 Cell: 801-915-8609  
Contact: Jerry Diana  
[www.smart-utah.com](http://www.smart-utah.com).

**The TIPS Program** (Statewide)

Health Communications, Inc.  
1101 Wilson Blvd STE 1700  
Arlington, VA 22209  
1-800-Get-Tips  
[www.gettips.com](http://www.gettips.com)

**SUU Southern Utah University**

(Iron, Beaver, Garfield, Kane and Washington)  
Alcohol Training and Education Seminar  
510 West 800 South  
Cedar City, Utah 84720  
435-586-2899  
Contact: [Danny Shakespear](mailto:Danny.Shakespear@suu.edu)

**ServSafe Alcohol**

Spanish and English (Statewide)  
9494 S Prosperity Rd  
West Jordan, UT 84088  
801-563-6300  
Local contact: Toni Jorgensen, Sysco Intermountain

**TEAM Coalition, Inc.**

1101 Wilson Blvd., STE 1700  
Arlington VA 22209-2266  
Contact: [Jill Pepper](mailto:Jill.Pepper@teamcoalition.com), Executive Director 703-524-1200 x343

**Learn2serve** (Web-based Program)

Corporate Headquarters  
200 Academy Dr. Ste 260  
Austin, TX 78704  
Contacts: [Albert J. Lilly](mailto:Albert.J.Lilly@learn2serve.com) [Rhiannon McElroy](mailto:Rhiannon.McElroy@learn2serve.com)  
800-442-1149  
Fax: 512-441-1811

**Dixie State College Alcohol Handlers Seminar**

225 South 700 East  
St. George, UT 84770  
(435) 652-7515  
Contact: Don Reid

The DABC website is [www.abc.utah.gov](http://www.abc.utah.gov).

Other links:

☛ Current and past issues of this newsletter:

[http://www.abc.utah.gov/license\\_permit/newsletter\\_main.htm](http://www.abc.utah.gov/license_permit/newsletter_main.htm)

☛ server training information: [http://www.abc.utah.gov/license\\_compliance/serv\\_train.html](http://www.abc.utah.gov/license_compliance/serv_train.html)

☛ how to look up a server's training record: [www.dsamh.utah.gov/webapps\\_alcoholserver.htm](http://www.dsamh.utah.gov/webapps_alcoholserver.htm)

☛ complete price list: [http://www.abc.utah.gov/Price\\_List/product\\_price\\_legend.html](http://www.abc.utah.gov/Price_List/product_price_legend.html)

## Violations and Penalties

by Chris Johnson

Below is a list of the most recent violations and penalties assessed for all licensees. Please review the violations listed below with your staff to prevent similar violations from occurring in your own establishment. As you can see by the number of alcoholic violations listed, law enforcement agencies have been very active. **PLEASE BE CAREFUL!!**

CL = Private Club Liquor      BE = On-Premise Beer      TV = Taverns      \* = Prior Violation History  
 RE = Full Service Restaurant      RL = Limited Service Restaurant      TB = Temporary Beer Permittees  
 SE = Single Event Permittees      BW = Beer Wholesaler      AL= Airport Lounge

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
RE	Chili's, Sandy and Devin C DeMann (employee)	1. Sale to minors	1. Fine of \$3,000.00 plus costs
CL	Mark M Ito (employee of W Lounge, Salt Lake)	1. Sale to minors	1. Fine of \$100.00
RL	Al Forno's, Salt Lake and Jill Morgan (employee)	1. Sale to minors	1. 6 day license suspension plus costs
RE	Claim Jumper, St George and Monica Young (employee)	1. Allowing patron to leave with open containers	1. 5 day license suspension plus costs
BE	Fats Pub & Pool, Salt Lake and Edith Rasmussen (employee)	1. Sale to minors	1. 5 day license suspension plus costs
RE	Hungry Coyote, Tropic and Carla Ramsey (employee)	1. Sale of A/B not in connection with an order of food	1. Written warning
RE	Ricardo's @ Greenwell Inn, Price and Edyth Blair (employee)	1. Sale to minors	1. 5 day license suspension plus costs
RE	Sugarhouse Barbeque Co., Salt Lake and Culley Travis (employee)	1. Sale to minors	1. 5 day license suspension plus costs
CL	The Big Easy, Lehi	1. Sale to intoxicated persons 2. Allowing patrons to leave with open containers	1. 20 day license suspension plus costs 2. Dismissed
CL	Club Vegas, Salt Lake and Jason Gavitz and Brian J Tolman (employees)	1. Sale to minors 2. Minors on the premises of a class "D" club 3. Sold a visitor card to a minor	1 & 2. 8 day license suspension 3. Fine of \$400.00 plus costs
CL	Duffy's Tavern, Salt Lake and Heidi Weilenmann (employee)	1. Sale to intoxicated persons	1. 12 day license suspension plus costs
RE	Guadalahancky's, Draper	1. Unlawful gaming devices on the premises 2. Open bottles not attached to metering system or device 3. Sale of A/B not in connection with an order of food 4. Allowing consumption at a bar	1. Dismissed 2. Fine of \$500.00 3. Fine of \$250.00 plus costs 4. Dismissed
RE	Moab Brewery, Moab and Chris Scoville (employee)	1. Sale to minors	1. Fine of \$3,000.00 plus costs
TB	Moab Ironhorse Rally, Moab and James McMenemy (employee)	1. Sale to minors	1. Fine of \$500.00 plus costs
CL	Murphy's Bar & Grill, Salt Lake and Marley Bramble and Robert L Eddington (employees)	1. Employee consuming on duty 2. Freepouring	1. 12 day license suspension 2. 6 day license suspension plus costs
CL	Sports Page, Ogden and Tera Hadley and Blaine Japalier (employees)	1. Sale to intoxicated persons 2. Employee consuming on duty 3. Freepouring 4. Non-member entry & sale	1. 15 day license suspension 2. 5 day license suspension 3. 6 day license suspension 4. Fine of \$250.00 plus costs
CL	Whiskey, Murray and Tanya Capson and Tina Hallowell (employees)	1. Allowing lewd Acts 2. Allowing lewd acts 3. Allowing lewd acts 4. Sale to intoxicated persons 5. Consumption of alcohol on duty	1. License revoked
TV	Celebrities Bar & Grill, Cedar City and Roxy Warren (employee)	1. Sale to intoxicated persons	1. 20 day license suspension plus costs

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
CL	Crazy Goat Saloon, Salt Lake and Douglas Martin and Bryce W Martin (employees)	1. Permitting intoxication 2. Allowing consumption after 2 a.m. 3. Unlocked storage	All counts: Surrender of the license plus costs
TV	Manny's Tavern, Salt Lake and Stephanie Johnson (employee)	1. Sale to intoxicated persons 2. Minors on the premises of a tavern	1. 15 day license suspension 2. Fine of \$750.00 plus costs
RL	Palms @ Airport Inn, Salt Lake and Robert Heierman (employee)	1. Sale of A/B without an order of food	1. Written warning
BE	Tarascos, St. George and Rosa Palomares (employee)	1. Sale to minors 2. Untrained server 3. License not displayed 4. Warning sign not displayed 5. No ID badge	1. 7 day license suspension 2. Fine of \$250.00 plus costs 3. Written warning 4. Written warning 5. Written warning
CL	World Famous Woody's Tavern, Moab and Dylan Beck, Jason T Magann and Debbie Sanchez (employees)	1. Sale to intoxicated persons 2. Interfering with law enforcement 3. Sale to minors * 4. Minors on the premises of a class "D" club 5. More than 2 A/B in front of a patron at a time 6. Non-member entry & sale *	1. 15 day license suspension 2. 12 day license suspension and a fine of \$2,000.00 3& 4. 13 day license suspension 5. Fine of \$750.00 6. Fine of \$600 plus costs
CL	Zax Watering Hole, Moab and Steve Adams and Casey Kendall (employees)	1. Sale to intoxicated persons 2. No ID badge	1. 25 day license suspension plus costs 2. Written warning
RE	Chili's, American Fork and Fidelis Osuchukuwa (employee)	1. Sale of A/B without an order of food	1. Written warning

## Missing Employees

The DABC is attempting to locate the following individuals that either currently or previously worked for the licensees listed below. We have adjudicated violations with the licensees, but the employees either could not be located or did not attend the proceedings when the violations were adjudicated. If any of these employees are currently working for your business, please have them immediately contact Chris Johnson in the Licensing & Compliance Division at 801 977-6800.



Stan G. Allen - The Standard  
 Cynthia M Anderton - Applebee's (West Valley)  
 Michael R Arcaris - Squatter's Pub  
 Braeden M. Brinton - The Standard  
 Sara Bryson - Mimi's Café (Orem)  
 Deana Bundy - One & Only  
 Catherine Clark - Goldbar Saloon  
 David Durrant - Tucci's (Salt Lake)  
 Kristina M. Erskine - Asuka Japanese Sushi  
 Robert J. Gardner - Juhl Haus Deli & Market  
 David Homer - One & Only  
 Charles Lamb - Jeremy Golf & Country Club  
 George H Lasater - Eddie McStiff's  
 Lacey B. Miller - World Famous Woody's Tavern  
 Reggie Murdock - Club Vortex  
 Bryce Pearson - Old Spaghetti Factory (Salt Lake)  
 Courtney J Rios - Art's Place  
 James D. Santini - P.F. Chang's (Orem)  
 Kate Christianson - Chili's (St. George)

Sean Hill - Chili's (St. George)  
 Jared B Hileman - Shaggy's Livin Room  
 Danielle Sims - Sportsman's Lounge  
 "Bubba" - Sportsmans' Lounge  
 Sarah E Ellis - Alpine Internet Café  
 Vincent Laguardia - Alpine Internet Café  
 Troy Mattinson - Applebee's (St George)  
 Monica M Salazar - Cheater's Lounge  
 Eric D Adams - McGrath's Fish house (Salt Lake)  
 Sara J Darling - Iggy's Sports Grill (Salt Lake)  
 Thiago D Moraes - Main Street Pizza & Noodle (Park City)  
 Nathan B Ilhenfeld - Lumpy's Downtown (Salt Lake)  
 Debra Dietz - Riverhorse Café, (Park City)  
 Benjamin G Smith - Twilite (Salt Lake)  
 Bobby L Fenn - W Lounge (Salt Lake)  
 Devin C Demann - Chili's (Sandy)  
 Chris Scoville - Moab Brewery (Moab)  
 Bryce W Martin - Crazy Goat Saloon  
 Douglas Martin - Crazy Goat Saloon

### What's New?

**Click "what's new?" on the home page of our website to find out about the latest proposed or adopted rules and other happenings regarding the alcohol beverage laws.**

[http://www.abc.utah.gov/whats\\_new.html](http://www.abc.utah.gov/whats_new.html)

## New On-Premise Beer License Renewal Forms are Coming

by Neil Cohen

On-Premise Beer License renewal forms and fees are due on **Wednesday, January 31, 2007**. This is a month before the actual expiration date printed on your current license. We will mail the renewal packet to you by the end of December. If for some reason you do not receive this packet by the first week in January, please call us. The packets contain instructions as to what items must be completed and submitted in order to qualify for renewal of your license.

► **The renewal fee is \$200 for on-premise beer retailers that are not taverns.**

► **The renewal fee for taverns is \$1000.**

Please remember, you must send in or hand in your completed renewal application by **Wednesday, January 31**. This deadline is set by the legislature and we can not extend it. If you miss this deadline, you may not *renew*. You will have to *re-apply* for your license. This means you will have to pay for an additional application fee and initial license fee. Please do not wait until the last minute.

You may either hand deliver (**by 5:00pm on January 31**) the completed renewal or **we will accept a postmark** up to and including **January 31** as timely.

The renewal forms have been redesigned and should be easier to complete. **Forms A, B, and C will be pre-printed with data that you submitted for last year's renewal or in your initial application. You will only need to make changes if the data has changed or is incomplete.**

In addition to the renewal application forms, you will also be asked to submit:

- A copy of your local (city, town, or county) business/alcohol license
- A certificate of general liability and liquor liability insurance
- A completed alcohol server training & ID badge form (provided in the packet as Form D). Now would be a good time to contact trainers if you need to schedule a class. A list of approved programs is on-line at: <http://www.dsamh.utah.gov/stateapprovedproviders.htm>
- The financial spreadsheet form provided in the packet as Form E. ♦

**The Alcoholic Beverage Control Commission meets once a month toward the end of each month. Meeting dates and times are subject to change.**

**The meetings are open to the public and are held in the board room at the DABC office building: 1625 S 900 W, Salt Lake City. Call 801-977-6800 for the current schedule.**

## 1,2,3...new ID

by Keith Zuzpan

New for 2006, the Department of Public Safety Drivers License Division is issuing enhanced designed Driver Licenses, Driving Privilege Cards, and ID cards. These

new cards will include some of the most up-to-date security features available.

The format of the card has not changed. Drivers licenses issued

to minors continue to be in the portrait format (vertical). Identification cards for both adults and minors are also in the portrait format.

### The new security features include:

- The background of each card will consist of a Guilloche security design (mosaic background pattern similar to U.S. Currency) and Split Fountain printing (gradual color change.)
- All cards will have laser perforation, spelling the letters "DLD."
- Overlapping data can be seen over the portrait and a smaller "Ghost" portrait as well.
- Under 21 designator is over the Ghost Portrait in red. Under 19 is in blue. All birth dates are in red.
- An "Optical Variable Device (hologram)" appears on the card surface, forming an outline of the state with the letters "DPS" inset.

A new "Driving Privilege Card" for drivers who do not qualify for a Social Security Number, has a large letter "P" (in red) over the state seal. The Driving Privilege Card is not an

acceptable form of identification for proof of age to purchase liquor in state stores and agencies (see UCA [53-3-207](http://www.legis.utah.gov))

Additional information and downloads on the new identification cards can be found on the Drivers License Division's website at [www.driverlicense.utah.gov](http://www.driverlicense.utah.gov). ♦

## Last Call Means Last One

by Neil Cohen

Licensees who operate drinking establishments have to be very careful about how much patrons consume, especially at closing time. Some bars around the country are not giving "last call" anymore because it tends to make a patron quickly finish a drink, order another, and hastily drink it before leaving, getting in a car, and driving away.

This dangerous scenario can lead to accidents, injuries, deaths, and lawsuits. In other words, it's possible that "last call" could trigger an irrational urge for patrons to drink faster or drink more because the patron may feel that he/she hasn't had enough to drink or "isn't buzzed enough".

In reality, the patron may very well have been drinking responsibly all night long or for as long as he/she

has been in the bar. By announcing "last call", an OK situation could turn into a troublesome situation, like throwing gasoline on a fire.

Responsible operators know that they have to prevent customers from becoming intoxicated - to keep impaired drivers off the roads and to prevent intoxicated patrons from injuring themselves and others in a variety of other ways. Depending on the situation, the server and the establishment can be liable for injuries and damages.

In 2003, the legislature passed a law requiring taverns and private clubs to remain open for one hour after the sale and service of alcoholic beverages have ceased during which time a patron may finish consuming any *single* drink.

Please be responsible in your service of alcohol. Think about whether you want to give "last call" at all. And if you do, make sure "last call" means "last one". It's the law.♦

## If you Close, Move or Sell

By Stephne Pilling

Some club and restaurant licensees will close up for a few weeks to go on vacation, close for renovation, or even relocate, or sell out. There are different rules and regulations for each event. Here's a quick 1,2,3, explanation.

### 1. Closures of clubs and restaurants:

Because club and restaurant licenses are limited in number by quota, the legislature has established temporary closure approval procedures that clubs and restaurants must follow.

A club or restaurant licensee may not close or cease operation for a period longer than 240 hours (10 days), unless **written** notice is given to the department at least seven days before the closing, and the closure of operation is first approved by the department. However, if there is an emergency closure, you can notify the department by telephone.

The department may authorize a closure for a period not to exceed 60 days. Upon written request and showing of good cause, the department may extend the initial period an additional 30 days, but cannot approve more than a total of 90 days. Closures over 90 days must be

approved by the ABC commission.

If the commission approves an extended closure, the licensee must resume operation by the approval date. Failure to resume operation will result in an automatic forfeiture of the license and all licensing fee's.

### 2. Change of location:

There are also requirements for the re-location or change of location of any existing license. If a licensee wants to relocate, contact your DABC compliance specialist who will provide you with a change of location application and checklist. A very important requirement is local consent, so make sure you check with the city, town or county in which you are going to locate. The DABC will also come out and complete a premise check on the new location. When the application is completed, your request for a change of location will be placed on the agenda of the ABC Commission's monthly meeting. A licensee cannot move from one location to another without the approval of the commission.

### 3. Change of ownership:

The transfer of liquor licenses or on-premise beer licenses is prohibited. Licenses have no monetary value. They cannot be sold, exchanged, given away or disposed of, whether for financial gain or not. The license must be surrendered to the DABC, and the new owner must apply anew for a license.♦

## And Don't Forget About Proximity

by John Bryant

If you are a licensee that wants to change the location of your business, or your business is expanding and you are ready to consider obtaining a license for a second business location, you first need to address the issue of proximity. The dictionary tells us that proximity means "very near" or "close". State law requires the premises of a beer or liquor licensee not be established within 600 feet (as a pedestrian would travel) and 200 feet

(straight line) of any public or private school, church, public library, public playground, or park. However, the Commission in some instances, may authorize a variance of the proximity requirements.

As your business moves forward and you determine that you would like to change your location or open another location, once you have found a possible site, take a walk around the neighborhood, and write down any of the above mentioned properties that you find. Contact the

appropriate authority and find out if they have any objection to the establishment of an alcohol license at your location.

The bottom line is that when establishing a business that involves alcoholic beverages, do your homework and thoroughly assess the issue of proximity.

Also, do not hesitate contacting us early in the process if you have any questions about these proximity laws.♦



## New Year Kicks Off Smoke-Free Private Clubs in Utah

by Steve Hadden, Utah Department of Health

In 2006 the Utah legislature amended the Utah Indoor Clean Air Act (UICAA). A major change in the Act takes place January 1, 2007. **That's when Class A, B, and C private clubs become smoke-free.** What will the change mean for owners, managers, servers, and patrons of these clubs?

**Owners and managers** can help assure a smooth transition by taking the following steps:

- Inform employees that effective January 1, 2007 no smoking is allowed in Class A, B, and C private clubs.
- Train managers and servers about the steps to take if someone is found smoking in the facility.
  - The Utah Indoor Clean Air Act requires that the person be asked to extinguish the lit tobacco product, and if they refuse, that they be asked to leave.
- Post no-smoking signs at all entrances to the business as required by the Utah Indoor Clean Air Act Administrative Rule. Consider posting additional no-smoking signs in restrooms, hallways, stairwells, or other areas where patrons or employees may attempt to smoke.
- Remove all ashtrays.
- Contact the state or local health department for assistance (Contact numbers are listed below).

**Preparing Patrons for the Change.** Patrons should be presented with reminders including:

- No-smoking signs. (Available through the Utah Department of Health at: 1.877.220.3466)
- Posted notices.
- Removal of all ashtrays.

**Penalties for Non-Compliance.** Individual violators of the Utah Indoor Clean Air Act are subject to a civil penalty of up to \$100 for the first violation and between \$100 and \$500 for subsequent violations. Businesses that fail to comply with the Act are subject to up to a \$5,000 penalty. With a little education and training, private club proprietors and customers should be able to avoid any penalties. Instead, they can join millions of other Americans who are able to work and celebrate in smoke-free environments.

Direct questions about changes in the law and resources available to help your business comply to the Utah Department of Health. Telephone- 1.877.220.3466; 801.538.6260; or 801.538.6754. Information is also available on the web at: <http://www.tobaccofreeutah.org/2006uicaa.html>

**Note:** Under the 2006 amendments Class D private clubs and Taverns licensed by the Alcoholic Beverage Control Commission on or before May 15, 2006 will have until January 1, 2009 to become smoke-free. However, nothing in the Act prevents these businesses from going smoke-free before that date.♦

## New Year's Eve and other Party Packages

by Neil Cohen

Those who want to drink alcohol on New Year's Eve will most likely do so without any extra encouragement. We advise licensees who want to promote a "value added" New Year's Eve package (or any holiday package) *not* to emphasize the drinking part, but to promote the value in the food and entertainment (and in any lodging deal if it applies).

Licensees who are planning party packages for the holidays may not include, pre-sell, or give away alcoholic beverages as part of a package, because:

- The club and restaurant laws specifically require liquor, wine, and heavy beer to be listed on a separate price list and sold by the glass or bottle.
- In clubs, the prices must be set in the house rules.
- The advertising rules prohibit promotions that encourage over-consumption or promote increased consumption.
- Promotions are not allowed that require the purchase or

consumption of alcoholic beverages in order to participate.

Remember:

- A "midnight toast", a bottle of champagne, or any other alcoholic beverages may *not* be included in the price of a New Year's Eve Package.
- Alcoholic beverages may not be pre-sold.
- Alcoholic beverages must be priced and charged for separately.
- A price list must be made available for patrons.
- All servers are required to be trained to keep track of the number of drinks served to a patron and not to over-serve a patron.

So our advice is to promote the food, festivities, favors, and fun. Be wise, do your best to keep your patrons safe, don't over-serve, and have a happy New Year.♦



## 2007 Holiday Calendar

State liquor stores, package agencies, DABC administrative offices and warehouse\* will be closed.

New Years Day . . . . . January 1<sup>st</sup> (MON)  
 Martin Luther King Jr. Day . . . January 15<sup>th</sup> (MON)  
 Washington and Lincoln Day February 19<sup>th</sup> (MON)  
 Memorial Day . . . . . May 28<sup>th</sup> (MON)  
 Independence Day . . . . . July 4<sup>th</sup> (WED)  
 Pioneer Day . . . . . July 24<sup>th</sup> (TUE)

Labor Day . . . . . September 3<sup>rd</sup> (MON)  
 Columbus Day . . . . . October 8<sup>th</sup> (MON)  
 Veteran's Day . . . . . November 11<sup>th</sup> (SUN)  
 \*offices and warehouse closed on November 12<sup>th</sup>  
 Thanksgiving Day . . . . . November 22<sup>nd</sup> (THU)  
 Christmas Day . . . . . December 25<sup>th</sup> (TUE)

## The Restaurant Dining Requirement

By Abe Kader

Our department has seen a dramatic increase in the number of undercover law enforcement reports alleging that our restaurants are not fully complying with the requirement that alcoholic beverages be served only in connection with an order for food. We have also noticed during our training sessions with restaurant employees that some have a misunderstanding of this requirement. Here is a refresher course:

The statute says that *“alcoholic beverages may not be sold except in connection with an order for food prepared, sold, and served at the restaurant.”* This applies to full-service and limited-service restaurants, but does not apply to restaurants that only hold an on-premise beer retailer license. Commission rule further explains that:

*“Alcoholic beverages (including light beer) must be sold in connection with an order for food placed and paid for by a patron. An order for food may not include food items gratuitously provided by the restaurant to patrons.”*

Clearly, these laws require a patron who orders alcoholic beverages to also place and pay for an order for food. However, the law does not mandate when the food order must be placed. Indeed, normal restaurant service commences with taking the patron’s beverage order first, and bringing bread, chips, popcorn, etc. to the table before the food orders are placed. This sequence of service can create potential issues for servers who are trying to comply

with the above alcohol laws. Gratuitously providing bread, chips, or popcorn does not satisfy these laws. The laws contemplate an order for food usually listed on a menu or menu board and for a price.

To be safe, it is essential that a server make some effort at the earliest opportunity to determine the intent of the patron to dine. Servers should never assume a patron’s intent. Assumptions can lead to trouble. This problem may easily be avoided by immediately asking the patron when they order their first alcoholic beverage, “Will you be dining with us this evening?” Also, make sure they are furnished food menus and advised of “specials of the day” at the earliest convenience. This will help direct the patron’s attention to food service, and help the server determine the patron’s intent to dine. If a patron says he or she is not hungry, and just wants to have some drinks, the server needs to promptly explain the food requirement for alcohol service in restaurants. If the patron persists, the server should not serve the alcohol, and notify other employees and supervisors of the situation.

In our training sessions, we find that some servers have expressed a reluctance to ask patrons if they are going to order food. They want to be courteous and give the patrons the benefit of the doubt. But if you have a set of procedures in place, and provide employee training, some of these fears can be alleviated. We can also meet with your staff to review these laws and help them come up with procedures that will give them confidence to do their jobs without feeling that it offends the patrons.♦

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Governor: **Jon M. Huntsman Jr.**, Director: **Kenneth F. Wynn**,

Newsletter Editor: **Earl F. Dorius**, Newsletter Coordinator: **Neil Cohen**, Contributing Editors: **John Bryant, Keith Zuspan, Stephne Pilling, Chris Johnson, Abe Kader, Tom Zdunich, Al Potvien, Doug Marakami, Steve Hadden**

## License Renewals and Taxes

By Tom Zdunich

Licensee renewal periods tend to stretch the limits of patience for both the licensee and the DABC compliance staff. We spend countless hours contacting our licensees to remind them of renewal deadlines, and the need to timely submit all of the required documentation. Unfortunately, some licensees fail to see our calls for what they are – an effort to help you avoid a late renewal and the accompanying additional fees associated with it. Despite our efforts, some licensees still fail to renew on time which leads to even more frustration for all of us.

Another source of frustration is the legal requirement that each licensee comply with all laws pertaining to payment of taxes and contributions to unemployment and insurance funds. Failure to do so is grounds for not renewing the license.

During each renewal period the State Tax Commission, Department of Workforce Services, and Labor Commission notify us of any licensees that are “not in good standing” with their agencies. We are neither told the nature or details of these deficiencies, nor do we want to know. We are merely informed that there is a tax issue that needs to be cleared. As a courtesy, we then notify those licensees of the need to clear their tax delinquencies. We do this as a courtesy to both the taxing agencies and the licensees. Unfortunately, this not only puts us in the middle, but it is very time consuming for our staff.

Remember, we are a licensing bureau, not a tax collection agency. Yet, we spend considerable amounts of time urging our licensees to contact these tax agencies to clear their deficiencies. If they clear, we receive a letter

from the agencies indicating that the licensee is now in good standing. If they don't clear ... well, you know the rest of the story.

We have decided to make substantial changes to the way we handle license renewals. The good news is that the process will be much more streamlined and user-friendly. We are creating a program that in the near future will allow you to renew your licenses on-line. Much of the information you previously had to repeatedly provide with each renewal is already in our system, and you will merely need to verify the accuracy of it.

The on-line renewal program will require far less paperwork. But, as part of this change, our role in the renewal process will also be reduced. Our staff will spend far less time contacting licensees that are deficient. This will place a greater responsibility on you to complete your license renewal timely without our prompting.

We also intend to discontinue acting as a middleman between you and the taxing agencies. If you have a delinquency, you will be expected to work directly with them – again, without our prompting – to clear any tax problems.

In summary, you will spend less time filling out the renewal application materials, but will be expected to renew timely without constant prompting from our department. We hope to have these changes in place by the summer of 2007. We hope they will reduce some of the frustrations we have all experienced in the past. Once we have implemented the new program, please let us know what you think to help us continue to improve the process.♦

## Apples, Oranges and Lemons... The Infusion Confusion

by Keith Zuspan

The DABC has received numerous questions regarding infusing spirits with flavor i.e. oranges, lemons, grapefruit, pear and peaches, herbs and spices to create custom-flavored spirits. Both Utah Code 32A (Alcoholic Beverage Control Act) and Codified Federal Regulations prohibit infusing liquor at the retail level.

Codified Federal Regulations (CFR) requires all liquor to be dispensed from its original container or through a dispensing system where

there is no re-use, refilling, or the addition of any substance whatsoever to alter the original contents contained in the liquor bottle. The DABC commission rule R81-1-9 adopts federal regulations 27 CFR 194.

[see 27CFR Part 194](#)

[see rule R81-1-9](#)

Under the Alcoholic Beverage Control Act, licensees may sell or provide a primary spirituous

liquor only in a quantity not to exceed one ounce per beverage dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title.

Liquor manufacturers have responded to the demands of the marketplace for infused liquors by producing “pre-infused” or flavored liquors. Many of these products are available in the DABC liquor stores and package agencies.♦

***Federal regulations prohibit anybody who sells distilled spirits to alter or increase any portion of the contents of the original bottle by adding “any substance whatsoever”.***

27CFR Sec 194.261

## State Label Affixed

The "Official State Label" is the department identification mark and inventory control number. Sometimes referred to as the "state sticker", it is affixed to every bottle of wine, liquor and heavy beer. The color of the label is changed often, and many different colors are in use at the same time. The label is affixed by the staff at the DABC liquor stores and package agencies.

A licensee or permittee may not have, store, possess, sell, deliver or allow consumption on its premises any liquor, wine or heavy beer in bottles that do *not* have the state label affixed. Since all liquor has to be purchased from a state liquor store or package agency, all bottles should have the labels on them.

If you notice any liquor, wine or heavy beer products that are missing the state label when picking up your order or when stocking or doing inventory, please contact that state store or package agency for immediate

by Al Potvien

assistance to insure that these products are properly labeled.

Removal of the state label is prohibited, so care must be taken when certain products require chilling, especially heavy beer and wine which sometimes is done by using ice. Restaurants and clubs that allow patrons to "brown bag" wine must check to make sure the state label is on the wine bottle before allowing it on the premises.

As a reminder, when agents from the alcohol enforcement division of the department of public safety do open premise inspections of licensees and permittees, they check to see that liquor products have the state label affixed. Bottles without stickers are a violation of the liquor law. Alcohol enforcement agents may refer the violation to the DABC for agency action. ♦

## Free training....

***Free liquor law training is available to all licensees and their employees. This training helps licensees to understand the alcoholic beverage laws, prevent violations, and to provide better and consistent service to patrons. It gives licensees and employees the opportunity for a one-on-one session with the DABC to deal with specific questions and concerns. We will tailor our training to fit your needs and schedule.***

***If you are interested in having one of our Compliance Specialists present a training session to your staff, please call at (801) 977-6800.***

**Compliance Comix!**  
Pat Bagley, The Salt Lake Tribune,  
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