

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
<b>A. <u>ADVERTISING</u></b>			
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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<p>advertising on the comic pages of magazines, newspapers, or other publications;</p> <p>(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;</p> <p>(5) using models or actors in the advertising that are or reasonably appear to be minors;</p> <p>(6) advertising at an event where most of the audience is reasonably expected to be minors;</p> <p>(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.</p>			
<p>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;</p>	32A-12-401(4)	R81-1-17(6)(k), (7)	MOD, *b
<p>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;</p>	32A-12-401(4)	R81-1-17(6)(l), (7)	MOD, *b
<p>l. that requires the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion, program or other activity;</p>	32A-12-401(4) 32A-12-606(2)	R81-1-17(6)(n), (7)	MOD, *b
<p>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.</p>	32A-12-401(4)	R81-1-17(6)(o), (7)	MOD, *b
<p>2. Advertising scheme that offers alcoholic beverages to patrons or the general public without charge.</p>	32A-12-401(4), (5) 32A-5-107(16)(h)	R81-1-17(6)(m), (7)	MOD, *b

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3. Public advertising that does not clearly state "a club for members".	32A-12-401(4) 32A-5-107(1)(p)	R81-5-5	MOD, *b

### **B. AUDIT**

1. Change of floor plan without department approval.	32A-5-102(1)(h) 32A-5-107(11)	R81-5-9	MOD
2. Failure to maintain local licensing.	32A-5-102(1)(d) 32A-5-103(6) Title 11-10-1-4		*f
3. Failure to have food available when alcoholic beverages are being sold or consumed.	32A-5-102(1)(f) 32A-5-103(6) 32A-5-107(5)		MOD, *f
4. Failure to maintain a compliance bond.	32A-5-102(1)(g) 32A-5-103(6) 32A-5-106	R81-5-3	*f, *e
5. Failure to maintain general liability insurance as required.	32A-5-102(1)(i) 32A-5-103(6),	R81-5-4	*f, *e
6. Failure to maintain dram shop insurance as required.	32A-5-102(1)(j) 32A-5-103(6),	R81-5-4	*f, *e
7. Failure to own or lease premises suitable for club's activities.	32A-5-107(4)(a)		*f
8. Copy of equity or fraternal club's bylaws or house rules not filed with department.	32A-5-102(1)(k) 32A-5-103(6),		*f
9. Equity or fraternal club's bylaws or house rules not reasonable or consistent with the nature of the club's business.	32A-5-102(2) 32A-5-103(6)		*f

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10. Improper operations of governing body of equity or fraternal club: a. Fewer than three members. b. Fails to hold regular meetings. c. Fails to review membership applications or other club business required by bylaws or house rules.	32A-5-107(1)(a)(i) 32A-5-107(1)(a)(ii) 32A-5-107(1)(a)(ii)		MOD MOD MOD
11. Record maintenance: a. Equity or fraternal club's bylaws or house rules do not include: (1) standards of eligibility for members; (2) limitation of members consistent with the nature and purpose of the club; (3) period for which dues are paid and date upon which the period expires; (4) provisions for removing a member for non-payment of dues or other cause; (5) provisions for guests; (6) application fees and membership dues. b. Failure of an equity or fraternal club to maintain a current copy of bylaws and house rules. c. Failure of an equity or fraternal club to maintain membership records. d. Failure of an equity or fraternal club to maintain minutes of regular and special meetings. e. Failure of any club to maintain expense and sales ledgers and records with required items, supporting documents, accounting, and other records required by department. f. Failure of any club to maintain required records for three years. g. Failure of any club to keep ID badge records. h. Failure of a dining club to maintain quarterly records of expenditures and sales. i. Failure of any club to keep employee alcohol server training records. j. Failure to maintain liquor dispensing records.	32A-5-102(2)(b)  32A-5-107(1)(o)  32A-5-107(1)(c), (f), & (g)  32A-5-107(1)(1)  32A-5-107(3)  32A-5-107(3)(f)  32A-5-107(3)(a)(ii)(C)	       R81-5-12  R81-5-1(3)(b)  R81-1-12(3)  R81-1-9(4)(g)	MOD  MOD MOD MOD MOD MOD MOD MOD MOD
12. Equity or fraternal club change to bylaws or house rules without	32A-5-102(1)(k)		MOD

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department notification.	32A-5-107(1)(o)		
13. False statements/tampering with records.	32A-5-107(3)(e) 32A-12-303(2) 32A-12-304		GR, *b, *d
14. Failure of equity or fraternal club to establish (in bylaws) and/or collect appropriate club admission fees.	32A-5-107(1)(h)	R81-5-14	MOD
15. Change of ownership or organizational structure without notifying the department.	32A-5-102(4) 32A-5-107(26)	R81-5-1(1)	*f
16. Equity, fraternal or dining club no longer meets the minimum requirements of that classification.	32A-5-101(3) 32A-5-103(6)	R81-5-1(3) <i>[class C club]</i>	*f
17. Failure to comply with state and federal laws pertaining to payment of taxes, unemployment funds, etc.	32A-1-123 32A-5-103(6)		*f
18. Obstructing or failing to allow an officer or department representative from making a search or investigation.	32A-5-102(1)(l) 32A-5-107(3)(f), (4)(b) & (c) 32A-1-304.5 32A-12-305 32A-13-109 32A-5-110		GR, *b
19. Service charges not readily available for patrons on menu or price list.	32A-5-107(21)	R81-5-11(3)	MOD
20. Change of club classification without Commission consent.	32A-5-101(8)	R81-5-1(2)	SER
21. No longer meets requirements to be an equity club.	32A-5-101(3)(a)		*f
22. No longer meets requirements to be a fraternal club,	32A-5-101(3)(a)		*f
23. No longer meets requirements to be a dining club.	32A-5-101(3)(a)	R81-5-1(3)	*e, *f
24. Failure to maintain Responsible Alcohol Service Plan (if ordered by Commission)		R81-1-24(4)	SER. *e

### **C. CONSUMPTION**

1. More than 2.5 ounces of spirituous liquor before a patron at a time.	32A-5-107(7)(c) & (12)(c) 32A-12-222(2)(b, d)		SER, *c
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2. a. More than two alcoholic beverages before a patron at a time. b. Serving a "sidecar" (second drink only contains the primary liquor of first drink).	32A-5-107(7)(d) 32A-12-222(2)(c) 32A-5-107(7)(d)		SER, *c  SER
3. Wine portion exceeding 5 ounces.	32A-5-107(8)(a)		MOD
4. Heavy beer served in original container exceeding 1 liter.	32A-5-107(9)(a)		SER
5. 3.2 beer sold in a container exceeding 2 liters.	32A-5-107(10)(a)(ii) 32A-12-206		SER, *b
6. 3.2 beer sold to an individual patron in a container exceeding 1 liter.	32A-5-107(10)(a)(ii)		SER
7. Wine in a 1.5 liter or larger container served to a table of fewer than four patrons.	32A-5-107(8)(b)		MOD
8. Allowing consumption on a premises during license suspension.	32A-5-101(2) & (4) 32A-12-301(1)(a)		GR, *b
9. Employee consuming alcoholic beverages while on duty	32A-5-107(20)		SER
10. Permitting a person to become intoxicated, or an intoxicated person to consume.	32A-12-216(1)(a)		GR, *c
11. Failure to remain open one additional hour for consumption.	32A-5-107(14)		SER
12. Allowing consumption between 2 a.m. and 10 a.m.	32A-5-107(14)(d)		SER

### **D. DANCE OR CONCERT HALL (SOCIAL CLUBS):**

1. Operating a minor dance or concert hall without a permit.	32A-5-107(2)(d)		*g
2. Minor not properly hosted.	32A-5-107(2)(d)		*g

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
3. Individual under the age of 18 years on premises of a <u>dance hall</u> .	32A-5-107(2)(d)		*g
4. Club's bar area is : a. accessible to minors; b. not clearly defined; or c. not separated from the dance/concert hall area by walls, multiple floor levels, or other substantial physical barriers.	32A-5-107(2)(d)		*g
5. Bar or dispensing area is visible to minors.	32A-5-107(2)(d)		*g
6. Consumption of alcohol in the dance/concert hall area or any area of the club accessible to minors.	32A-5-107(2)(d)		*g
7. Security not sufficient to prevent alcoholic beverages from being passed from the club's bar area to the dance/concert hall area or any are of the club accessible to minors.	32A-5-107(2)(d)		*g
8. The dance/concert hall or other areas accessible to minors does not have separate entrances, exits, and restrooms from those in the club's bar area.	32A-5-107(2)(d)		*g
9. A minor under 18 years of age is on the premises of a club's <u>concert hall</u> : a. not accompanied at all times by a parent or legal guardian who has a membership or visitor card; or b. when there is signage, product, and dispensing equipment containing recognition of alcoholic beverages visible to the minor.	32A-5-107(2)(d)  32A-5-107(2)(d)		*g
10. When a minor from 14-18 years of age is admitted to a <u>concert hall</u> without a parent or legal guardian: a. there is signage, product, and dispensing equipment containing recognition of alcoholic beverages visible to the minor; or b. there is alcoholic beverage sales, service, or consumption on the premises of the class D private club.	32A-5-107(2)(d) 32A-5-107(2)(d)  32A-5-107(2)(d)		*g
11. Sale of alcohol beverages to a minor in a dance/concert hall.	32A-5-107(2)(d) 32A-5-107(15) 32A-12-201(7), -202, -203, -209		SER, *b, *g

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
12. The licensee or a supervisory or managerial level employee of the private club is convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities that occurred in the club or the dance/concert hall area of the club.	32A-5-107(2)(d)		*g
13. There are three or more convictions of patrons of the private club under under Title 58, Chapter 37, Utah Controlled Substances Act, based on activities that occurred in the club or the dance/concert hall area of the club.	32A-5-107(2)(d)		*g
14. There is more than one conviction of the licensee, employee, entertainer contracted by the licensee, or patron of the private club made on the basis of lewd acts or lewd entertainment prohibited by Title 32A that occurred in the club or the dance/concert hall area of the club.	32A-5-107(2)(d)		*g
15. There are acts or conduct contrary to the public welfare and morals involving lewd acts or lewd conduct occurring in the club or the dance/concert hall area of the club.	32A-5-107(2)(d)		GR, *g

### **E. DISPENSING**

1. No posted list or insufficient list of brands and types of spirituous liquor being dispensed.	32A-5-107(22)(b)	R81-1-9(4)(i)	MIN
2. Dispensing more than 1.5 ounces of primary spirituous liquor per beverage (e.g., doubles).	32A-5-107(7) 32A-12-222(2)(a)	R81-1-9(4)(a)	SER, *c
3. Dispensing liquor not in its original container.	32A-12-219	R81-1-9(4)(f)	SER, *b
4. Misrepresent the brand of liquor contained in a drink.	32A-12-219(3)(b)	R81-1-9(4)(j)(ii)	GR
5. Sell or serve any brand of liquor not identical to that ordered by the patron.	32A-12-219(3)(b)	R81-1-9(4)(j)(i)	GR
6. Wine portion exceeding 5 ounces.	32A-5-107(8)(a)(i)		MOD
7. Open primary liquor not affixed to the system (wine excluded).	32A-5-107(7)	R81-1-9(4)(c)	SER
8. Use of unapproved mini-bottles.	32A-5-107(7)		MOD
9. Liquor bottles in use with a remote dispensing system not in locked storage area.	32A-5-107(13)	R81-1-9(4)(c)	MOD

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
10. Pitchers of beverages containing more than 1.5 ounces of primary spirituous liquor per person being served.	32A-5-107(7) 32A-12-222(2)(a)	R81-1-9(4)(h)	SER, *c
11. Dispensing an alcoholic beverage with more than 2.5 ounces of spirituous liquor.	32A-5-107(7)(c) 32A-12-222(b)		SER, *c
12. Failure to maintain daily liquor dispensing records that include: a. brand of liquor being dispensed; b. beginning and ending meter readings by brand or sales price level and the number of portions dispensed through the dispensing system; c. number of portions sold by brand or sales price level; and d. comparison of number of portions dispensed and number of portions sold including an explanation of any variances.	32A-5-107(3)(d)	R81-1-9(4)(g)(i-iv)	MOD
13. Failure to maintain daily wine dispensing records that include: a. brand of each wine dispensed by the glass; b. portion size and number of portions dispensed by the glass of each wine by brand and sales price level; c. portion size and number of portions sold by the glass of each wine by brand and price level; and d. comparison of the number of portions dispensed to the number of portions sold including an explanation of any variances.	32A-5-107(3)(d)	R81-1-10(1)	MOD
14. Free-pouring (primary liquor not dispensed through a metered dispensing system.)	32A-5-107(7) 32A-12-222(2)(a)		SER, *c
15. Failure to obtain department approval for multiple licensed facility storage and service in qualified premises.		R81-1-11(2)(h)	MOD
16. Allowing a patron to dispense their own alcoholic beverages.	32A-5-107(12)		GR

### **F. DISPENSING SYSTEM**

1. Failure to apply for "Licensee Application for Dispensing System Approval".		R81-1-9(3)(b)	MIN
2. Dispensing system not calibrated to a maximum of 1.5 ounces.	32A-5-107(7)	R81-1-9(1)(a) R81-1-9(4)(a)	SER
3. Dispensing system's margin of error exceeds 1/16 <sup>th</sup> of an ounce or 2ml.		R81-1-9(1)(b)	MOD
	32A-5-107(7)	R81-1-9(1),(2),&(3)	SER, *c

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4. Use of dispensing system not approved by the department.	32A-12-222(2)(a)		
5. Dispensing system does not count the number of pours dispensed.		R81-1-9(1)(b)	MOD
6. Refusing to allow authorized representatives to inspect or test dispensing system.		R81-1-9(4)(b)	GR
7. Failure to furnish samples of alcoholic products dispensed through system, upon department's or law enforcement's request.		R81-1-9(4)(b)	GR
8. Failure to conform with Federal rules governing liquor dispensing systems (in-series hookup of bottles, liquor not dispensed from original bottle, or intermingling of liquor).		R81-1-9(4)(e)&(f)	SER
9. Failure to conform with federal, state, and local health and sanitation requirements.		R81-1-9(4)(k)	SER
10. Failure to maintain dispensing system to ensure it continues to meet manufacturer's specification.		R81-1-9(3)(b)	MOD
11. Liquor bottles in use with a remote dispensing system not in locked storage area.	32A-5-107(13)	R81-1-9(4)(c)	MOD

**G. EMPLOYEE:**

1. Lack of alcohol server training and education.	32A-5-107(12) 32A-1-401	R81-1-12	MOD
2. Employee misrepresenting the price of an alcoholic beverage.		R81-5-11(4)	GR
3. Employee consuming alcoholic beverages while on duty.	32A-5-107(20)(a)		SER
4. Employee intoxicated while on duty.	32A-5-107(20)(b)		GR
5. Employee of equity or fraternal club acting as a host for a guest.	32A-5-107(1)(i)		MOD
6. No or improper identification badge.		R81-5-12	MIN
7. Employee allowing a person to brownbag an alcoholic beverage onto the premises (except bottled wines).	32A-5-107(18) 32A-12-213	R81-5-13	SER, *b
8. Minor employee in the bar area of an equity, fraternal or dining club.	32A-5-107(2)(a)	R81-5-15(1)	SER

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9. Minor employee on premises of a social club.	32A-5-107(2)(a) & (c)		SER
10. Minor employee selling, dispensing or handling alcoholic beverages/ flavorings.	32A-5-107(2)(b)	R81-5-10(2)	SER
11. Minor employee of an equity or dining club under 16 years of age entering a sale at a cash register.	32A-5-107(2)(b)(ii)		SER
12. Employee purchasing alcoholic beverages for a patron.	32A-5-107(17)		MOD
13. Employee, while on duty, attempting to find a host for a guest when the host does not have a bona fide relationship for a guest.	32A-5-107(1)(i)		MOD
14. Employee allowing a patron to leave with an open container of alcoholic beverages.	32A-5-107(19)		SER
15. Supervisor or manager convicted of (or arrested for) designated offense.	32A-5-103(2), (3), (6)		*f

### H. FLAVORINGS:

1. Improper or no labeling of drink flavorings ("flavoring").	32A-5-107(7)(a)(iv)		SER
2. No labeling of cooking flavorings ("cooking flavoring").	32A-5-107(7)(b)	R81-5-10(1)	SER
3. Secondary ingredient is only liquor in mixed drink.	32A-5-107(7)(a)(ii) 32A-12-222		SER, *c
4. Minors handling flavorings.	32A-5-107(2)(b)	R81-5-10(2)	SER
5. Floor plan does not designate where flavorings are stored.	32A-5-107(7)(a)(iii)	R81-5-9	MIN

### I. LICENSE:

1. Unapproved transfer of license to another location.	32A-5-107(25) 32A-12-301(1)		GR, *b
2. Attempt to sell, transfer, barter, give, etc. license to another entity.	32A-5-102(4)		GR

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	32A-5-107(26)		
3. DABC license not displayed.	32A-5-107(22)		MIN
4. Selling alcoholic beverages during a license suspension.	32A-5-101(2) 32A-12-301(1)		GR, *b
5. Operating a private club without a license.	32A-5-101(2) & (4) 32A-12-201(7), -301(1)		GR, *b
6. Failure to post suspension sign.	32A-1-119(6)(e)		GR
7. Temporarily renting or leasing premises without written agreement to comply with all operational restrictions.	32A-5-107(27)		SER

**J. LICENSEE:**

1. After the day the private club license 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 license being granted: a. a felony; b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; or 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.	32A-5-103(2)(a) 32A-5-103(6)	R81-1-16	*f
2. On or after the day the private club license 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	32A-5-103(2)(b) 32A-5-103(6)	R81-1-16	*f

\*a - Class "A" misdemeanor  
 \*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
 \*d - 2<sup>nd</sup> degree felony

\*e - See rule  
 \*f - Licensee/permittee qualification

\*g - See statute  
 \*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.			
3. On or after the day the private club license 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-5-103(3) 32A-5-103(6)	R81-1-16	*f
4. Falsification/tampering with records.	32A-5-107(3)(e) 32A-12-303(2) 32A-12-304		GR, *b, *d
5. False statement.	32A-12-304		GR, *d
6. A minor is found to be serving as a partner, managing agent, manager, officer, director, 20% stockholder, or 20% member of an LLC.	32A-5-103(5) 32A-5-107(1)(l)		*f
7. Licensee purchasing alcoholic beverages for a patron.	32A-5-107(17)		MOD
8. Failure to notify department of any change in club ownership.	32A-5-102(4) 32A-5-107(26)		*f
9. Licensee no longer possesses qualifications required for obtaining the license.	32A-5-103(6)		*f, *g

**K. MEMBERS, MEMBERSHIPS, AND GUESTS (EQUITY & FRATERNAL CLUBS ONLY):**

1. Governing board fails to meet and vote on membership application.	32A-5-107(1)		MOD
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\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
2. Granting memberships without board approval.	32A-5-107(1)		MOD
3. Failure to include membership admissions in minutes of board meetings.	32A-5-107(1)		MOD
4. Failure to file applications (approved or not approved) as part of club's official records and maintain for three years.	32A-5-107(1) 32A-5-107(3)(f)		MOD
5. Failure to charge for club membership.	32A-5-107(1)	R81-5-14	MOD
6. Failure to maintain proper membership records.	32A-5-107(1)		MOD
7. Guest who does not have a bona fide pre-existing relationship with a member.	32A-5-107(1)(i)		MOD
8. Allowing the use of a club to someone other than a member or guest of a member.	32A-5-107(1)(k)		MOD
9. Issuing a membership to a minor.	32A-5-107(1)(l)		SER
10. Club entering into an agreement with a member to sponsor guests with whom they do not have a pre-existing bona fide relationship.	32A-5-107(1)(i)		MOD

**L. MULTIPLE-LICENSED FACILITY STORAGE AND SERVICE:**

1. Failure to keep daily dispensing records showing the amount of liquor and/or wine dispensed to each licensed location.		R81-1-11(2)(a)	MOD
2. Failure to keep daily dispensing records showing amount of beer dispensed to each licensed location.		R81-1-11(2)(b)	MOD
3. Point of sale system does not record the amounts of each alcoholic beverage product sold in each location.		R81-1-11(2)(c)	MOD
4. Dispensing and sales records not balanced daily.		R81-1-11(2)(c)	MOD
5. Cost allocations of each alcoholic beverage product cost not made on a monthly basis.		R81-1-11(2)(d)	MOD
6. Dispensing alcoholic beverages to a licensed location on a prohibited day or time pertinent to that license type.		R81-1-11(2)(e)	MOD

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
7. Liquor unlocked at times not allowed for a license type when storage area is shared.		R81-1-11(2)(f)	MOD
8. Using multiple dispensing and/or storage without first obtaining department approval.		R81-1-11(2)(h) & (3)(a)	MOD
9. Inability to account for each licensee's alcoholic beverages when using a common storage area.		R81-1-11(3)(b)	MOD

**M. OPERATIONS:**

1. Closure in excess of 240 hours without notification and approval of the department.	32A-5-107(24)		*g
2. Closure in excess of 90 days without Commission approval.	32A-5-107(24)		*g
3. Failure to reopen and resume business by the approved date.	32A-5-107(24)		*g
4. Seasonal operator opening on days outside the designated season.	32A-5-101(5) 32A-12-202, -301(1)		MOD, *b
5. Minors handling alcoholic beverages/ flavorings.	32A-5-107(2)(b)	R81-5-10(2)	SER
6. Minor employee under 16 years of age entering an alcohol sale into a cash register.	32A-5-107(2)(b)		SER
7. Warning sign not displayed.	32A-5-107(22)(c)		MIN
8. DABC license not displayed.	32A-5-107(22)(a)		MIN
9. List of types and brand names of liquor being served through metering system not posted.	32A-5-107(22)(b)	R81-1-9(4)(i)	MIN
10. No printed price list available for patrons.	32A-5-107(21)	R81-5-11(1), (2), & (3)	MIN
11. Price list does not include charges for service of packaged liquor, wine or heavy beer.	32A-5-107(21)	R81-5-11(1)	MIN
12. Allowing the use of a club to someone other than a member or guest of a member.	32A-5-107(1)(k)		MOD
13. Allowing a minor on the premises of a social club.	32A-5-107(2)(ii)(B)	R81-5-15	SER

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
14. Minor allowed to remain in the bar area of any equity, fraternal or dining club.	32A-5-107(2)(a)(i)	R81-5-15	SER
15. Admitting a minor into a dining club without being accompanied by an adult.	32A-5-107(2)(a)(ii)		SER
16. Minor allowed on the premises of a private club that provides sexually oriented adult entertainment.	32A-1-603(9)		GR
17. Private club facilities barricade or conceal club operations or does not allow the department, commission, or law enforcement officers to audit all club records upon request.	32A-5-107(3)(f) & (4)(b) & (c) 32A-1-304.5 32A-5-110 32A-5-102(1)(l) 32A-12-305 32A-13-109		GR, *b
18. Food not available at all times when alcoholic beverages are sold, served, or consumed on the premises.	32A-5-107(5) 32A-5-102(1)(f) 32A-5-103(6)		MOD, *f
19. Selling liquor not purchased through DABC (possession of illegal liquor).	32A-5-107(6) 32A-12-201(7), -208, -214		GR, *b, *d
20. Not following department liquor order and return procedures.	32A-5-107(6)(c)	R81-5-6	MOD
21. Bad checks tendered to department.	32A-1-113(5) 32A-5-107(6)(c)	R81-1-3(6)	*e, *g
22. Possess, purchase, sell, or acquire illegal beer.	32A-5-107(10)(b) 32A-10-101(3) 32A-10-102(1) 32A-12-201(7), -208		GR, *a, *b
23. Dispensing primary liquor in mixed drinks without using a metered dispensing system (free-pouring).	32A-5-107(7) 32A-12-201(7), -202		SER, *c
24. Purchase beer from other than designated licensed wholesaler.	32A-10-102(1)(b) 32A-12-208		MOD, *b
25. Failure to remain open for one hour after the club ceases sales and service of alcoholic beverages as long as patrons are on the premises.	32A-5-107(14)(c)		SER
26. Allowing patrons to remain on the premises to consume alcoholic beverages between 2 a.m. and 10 a.m.	32A-5-107(14)(d)		SER
27. Allowing a patron to bring alcoholic beverages onto the premises (except bottled wine). (brown-bagging)	32A-5-107(18) 32A-12-201(7), -213		SER, *b

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
28. Allowing patron to bring illegal wine onto premises.	32A-12-213(2)	R81-1-3(1) & (2)	SER, *b
29. Allowing a patron to leave the premises with an open container of alcoholic beverages.	32A-5-107(19)		SER
30. Attire and conduct violations including allowing lewd acts or visual reproductions depicting lewd acts.	32A-1-601, -602, -604 32A-1-603 ( <i>social club only</i> )		GR
31. Allowing gambling or video gaming devices on the premises of the private club.	32A-5-107(23)		GR
32. Failure to obtain Commission approval to change club classification.	32A-5-101(3)	R81-5-1(2)	SER
33. Obstructing an officer or department representative from making a search or investigation.	32A-5-102(1)(l) 32A-5-107(3)(f) & (4)(b) & (c) 32A-1-304.5 32A-5-110 32A-12-305 32A-13-109		GR, *b
34. Offering free alcoholic beverages to patrons (promotion).	32A-5-107(16)(h) 32A-12-401(4), (5)	R81-1-17(6)(m), (7)	MOD, *b, *g
35. Licensee purchasing an alcoholic beverage for a patron.	32A-5-107(17)		MOD
36. Permitting a person to become intoxicated, or an intoxicated person to consume.	32A-12-216(1)(a)		GR, *c
37. Failure to obtain department approval for multiple licensed facility storage and service.		R81-1-11(2)(h)	MOD
38. Unauthorized multiple locations (hotels).	32A-5-101(5)(e) 32A-12-202		MOD, *b
39. Failure to post suspension sign.	32A-1-119(6)(e)		GR
40. Failure to verify proof of age under the electronic verification program.	32A-1-304.5	R81-5-18	SER
41. Knowingly allowing illegal drug activity on premises.	32A-5-107(29)		GR

### N. SALES

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
1. Selling liquor not purchased through DABC.	32A-5-107(6) 32A-12-201(7), -208, - 214		GR, *b, *d
2. Selling illegally acquired beer.	32A-5-107(10)(b) 32A-10-101(3) 32A-10-102(1) 32A-12-201(7), -208		GR, *a, *b
3. Sale of, or offered for sale, liquor during unauthorized days, times, or places.	32A-5-107(14)(a) 32A-12-202	R81-5-8 R81-5-10(1)	MOD, *b
4. Sale of, or offered or sale, beer during unauthorized days, times, or places	32A-5-107(14)(b) 32A-10-206(4)(a) 32A-12-202		MOD, *b
5. Free-pouring (primary liquor not dispensed through metered dispensing system).	32A-5-107(7) 32A-12-222	R81-1-9(4)(a)	SER, *c
6. Sell, deliver, or furnish alcoholic beverages to:			
a. minor	32A-5-107(2)(d)(v)(B) ( <i>dance/concert hall</i> ) 32A-5-107(15)(a) 32A-12-203		SER, *a, *b
b. intoxicated person	32A-5-107(15)(b) 32A-12-204		GR, *a, *b
c. any known habitual drunkard	32A-5-107(15)(c)		GR
d. any known interdicted person	32A-5-107(15)(d) 32A-12-205		GR, *b
7. Sale of alcoholic beverages to someone other than a member or guest of a member.	32A-5-107(1)(k)		MOD

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
8. Sale of alcoholic beverages <i>by</i> a minor.	32A-5-107(2)(b)	R81-5-10(2)	SER
9. Sale of alcoholic beverages during emergencies.	32A-12-207		GR, *b
10. Sale of alcoholic beverages without a license or during a license suspension.	32A-5-101(2) & (4) 32A-12-201(7), -301(1)		GR, *b
11. Sale of mixed beverages with more than 1.5 ounces of primary spiritous liquor. (e.g., doubles).	32A-5-107(7) 32A-12-222(2)(a)	R81-1-9(4)(a)	SER, *c
12. Sale of more than 1.5 ounces of primary spirituous liquor per person in pitchers of mixed beverages.	32A-5-107(7) 32A-12-222(2)(a)	R81-1-9(4)(h)	SER, *c
13. Sale of dispensed wine in portions exceeding 5 ounces.	32A-5-107(8)		MOD
14. Sale of heavy beer in original container exceeding 1 liter.	32A-5-107(9)		SER
15. Sale of 3.2 beer in an open container exceeding 2 liters.	32A-5-107(10) 32A-12-206		SER, *b
16. Sale of 3.2 beer to an individual patron in an open container exceeding 1 liter.	32A-5-107(10)		SER
17. Sale of wine in a 1.5 liter or larger container to a table of fewer than four patrons.	32A-5-107(8)(b)		MOD
18. Sale of more than two alcoholic beverages to a patron at a time.	32A-5-107(7)(c) & (12)(c) 32A-12-222(2)(c)		SER, *c
19. Allowing a patron to dispense their own alcoholic beverages.	32A-5-107(12)		GR
20. Sale of beverages containing more than 2.5 ounces of spirituous liquor.	32A-5-107(7)(c) 32A-12-222(2)(b)		SER, *c
21. Discounting prices:			

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
a. Selling liquor at prices other than those fixed by the commission.	32A-5-107(16)(a)		MOD
b. Selling alcoholic beverages at less than cost.	32A-5-107(16)(b)		MOD
c. Selling alcoholic beverages at a special or reduced cost that encourages over consumption or intoxication.	32A-5-107(16)(c)		MOD
d. Pricing a primary spirituous liquor differently if it is served as a single drink and not part of a mixed drink. (shots)	32A-5-107(16)(d)		MOD
e. Selling alcoholic beverages for special or reduced prices at certain times. (happy hour)	32A-5-107(16)(e)		MOD
f. Selling more than one alcoholic beverage for the price of a single alcoholic beverage.	32A-5-107(16)(f)		MOD
g. Selling of an indefinite or unlimited number of alcoholic beverages during any set period for a fixed price.	32A-5-107(16)(g)		MOD
22. Misrepresenting the brand of liquor contained in a drink.	32A-5-107(22)(b) 32A-12-219	R81-1-9(4)(j)(ii)	GR
23. Misrepresenting the price of an alcoholic beverage.		R81-5-11(4)	GR
24. Selling any brand of spirituous liquor not identical to that ordered by the patron.	32A-12-219	R81-1-9(4)(j)(i)	GR

**O. Sexually Oriented Entertainment (Class D Clubs only):**

1. Permitting sexually-oriented entertainment without first obtaining Commission approval of the club's stage structure.	32A-1-603(4), -604	R81-1-25(4)(a)(i)	GR
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\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
2. All windows, doors, and other apertures of premises are not darkened or otherwise constructed to prevent anyone outside from seeing the performance of sexually-oriented entertainers.	32A-1-603(3)(b)(i), -604		GR
3. Outside entrances doors of the premises are locked.	32A-1-603(b)(ii), -604		GR
4. Prohibited activities involving patrons: a. Entertainer touching a patron during a performance, or while the entertainer is dressed in performance attire or costume. b. Entertainer failing to wear opaque clothing to cover performance attire when in the portion of the premises used by patrons. c. Entertainer engaging in staddle dancing with another person. d. Permitting a patron to: (1) be on the stage when a sexually-oriented entertainer is performing. (2) touch a sexually-oriented entertainer during a performance. (3) touch a sexually-oriented entertainer while the entertainer is dressed in performance attire. (4) place money or any other object on or within the costume of a sexually-oriented entertainer.	32A-1-603(5), -604  32A-1-603(6), -604  32A-1-603(7), -604  32A-1-603(8)(a)(i), -604 32A-1-603(8)(a)(ii), -604  32A-1-603(8)(b)	R81-1-25(4)(a)(iv)  R81-1-25(4)(a)(ii)  R81-1-25(4)(a)(iii)  R81-1-25(4)(a)(v)  R81-1-25(4)(a)(vi) R81-1-25(4)(a)(vi)  R81-1-25(4)(a)(vii)	GR  GR  GR  GR GR  GR
5. Minor on the premises during sexually-oriented entertainment.	32A-1-603(9), -604		GR
6. Entertainer performing in a state of nudity.	32A-1-603(2)(a), -604		GR
7. Permitting lewd acts.	32A-1-603(2)(b) & (c), -604		GR

**P. STORAGE**

1. Change of floor plan without department approval.	32A-5-102(1)(h) 32A-5-107(11)	R81-5-9	MOD

\*a - Class "A" misdemeanor  
 \*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
 \*d - 2<sup>nd</sup> degree felony

\*e - See rule  
 \*f - Licensee/permittee qualification

\*g - See statute  
 \*h - 3<sup>rd</sup> degree felony

## CLUBS / 32A-5 - VIOLATION GRID

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
2. Floor plan does not designate where flavorings are stored.	32A-5-107(7)(a)(iii)	R81-5-9	MIN
3. Liquor storage not locked at all times other than those hours and days when sales and service are authorized.	32A-5-107(13) & (14)		MOD
4. Open and unmarked bottles in storage area.		R81-1-9(4)(c)	MOD
5. Liquor bottles in use with a remote dispensing system not in locked storage area.		R81-1-9(4)(c)	MOD

**Q. OTHER**

1. Unlawful importations.	32A-12-201(1), (2), & (7), -214		GR, *h
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**R. TRADE PRACTICES**

See violation grid - Industry Trade Practices.

\*a - Class "A" misdemeanor  
 \*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
 \*d - 2<sup>nd</sup> degree felony

\*e - See rule  
 \*f - Licensee/permittee qualification

\*g - See statute  
 \*h - 3<sup>rd</sup> degree felony