

LIQUOR WAREHOUSES / 32A-9 - VIOLATION GRID

Descriptions

Code Citation

Rule Citation

Degree

A. AUDIT

1. Failure to maintain local licensing.	32A-9-102(1)(d) 32A-9-103(7)		*f
2. Failure to maintain a compliance bond.	32A-9-102(1)(e) 32A-9-103(7) 32A-9-105		*f
3. Failure to maintain general liability insurance as required.	32A-9-102(1)(f) 32A-9-103(7)		*f
4. Failure to maintain records as required by department (and for three years).	32A-9-106(7)	R81-9-3	MOD
5. Falsification/tampering with records.	32A-9-106(7) 32A-12-303 32A-12 -304		GR *b *d
6. Change of ownership or organizational structure without notifying the department.	32A-9-102(3) 32A-9-106(9)(a)		*f
7. Obstructing an officer or department representative from making a search or investigation.	32A-9-102(1)(h) 32A-12-305 32A-13-109	R81-9-4 & 5	GR, *b
8. Transportation of liquor: a. Allowing liquor to be transported out-of-state by other than an authorized motor carrier. b. Allowing liquor to be transported in unsealed conveyance. c. Conveyance not available for DABC inspection when inside the state. d. Shipping, conveying, distributing, or removing liquor in less than full-case lots. e. Shipping liquor outside the state to other than a licensed liquor warehouse or retailer. f. Receiving, warehousing, shipping or conveying any liquor that has not been authorized.	 32A-9-106(1) & (2) 32A-12-212, -214, & -218 32A-9-106(3) 32A-9-106(3) 32A-12-305 32A-13-109 32A-9-106(4) 32A-9-106(5) 32A-9-106(6)		SER, *b SER GR, *b SER SER SER

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

*c - Class "C" misdemeanor
*d - 2nd degree felony

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

*g - See statute
*h - 3rd degree felony

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
9. Liquor warehouse (or a director, officer, representative, agent, or employee of a warehouse) also holding a DABC license, permit, or agency.	32A-9-103(6) & (7)		SER
10. Failure to comply with state and federal laws pertaining to payment of taxes, unemployment funds, etc.	32A-1-123		*f
11. Licensee no longer possesses the qualifications required to obtain the license.	32A-9-103(7)		*f
12. Improper bills of lading	72-9-401, -404 70A-7a-301 to -309		MOD

B. EMPLOYEE

1. Minor employee handling liquor.	32A-9-103(5)(a)(ii)		SER
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C. LICENSE

1. Operating without first obtaining a license from DABC.	32A-9-101(2) 32A-9-106(8) 32A-12-201(6)		*b
2. Transferring license to another location without DABC approval.	32A-9-106(8)		GR
3. Attempt to sell, transfer, barter give, etc. license to another entity.	32A-9-102(3) 32A-9-106(9)		GR
4. Failing to obtain a separate license for each additional warehouse location.	32A-9-101(2)		*b

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D. <u>LICENSEE</u>	<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
1.	After the day the liquor warehouse 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-9-103(2)(a) 32A-9-103(7)	R81-1-16	*f
2.	On or after the day the liquor warehouse 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 d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.	32A-9-103(2)(b) 32A-9-103(7)	R81-1-16	*f
3.	On or after the day the liquor warehouse 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-9-103(3) 32A-9-103(7)	R81-1-16	*f
4.	Falsification/tampering with records.	32A-9-106(7) 32A-12-303(2), -304		GR, *b, *d
5.	False statement.	32A-12-304		GR, *d

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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-9-103(5)		*f
7. Failure to notify department of any change in ownership.	32A-9-102(3) 32A-9-106(9)(a)		*f
8. Licensee no longer possesses qualifications required for obtaining the license.	32A-9-103(7)		*f, *g

E. OPERATIONS

1. Minor handling liquor.	32A-9-103(5)(a)(ii)		SER
2. Obstructing an officer or department representative from making a search or investigation.	32A-9-102(1)(h) 32A-12-305 32A-13-109	R81-9-4 & 5	GR, *b
3. Bad checks tendered to department.	32A-1-113(5)	R81-1-3(6)	*e, *g

F. STORAGE

1. Storing liquor in a location other than as designated on floor plan.	32A-9-102(1)(g)		MOD
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