



MEMORANDUM

TO: James Hoelscher
Chief Enforcement Officer

DATE: February 17, 2017

FROM: Joe Hamilton
AMCO Investigator

RE: *Techniques for Alcohol
Professionals Course*

On or about the week of 30 January, 2017, Inv. Hoelscher requested I review CHARR's *Techniques for Alcohol Professionals* course for compliance with 3 AAC 304.465(c)(1-16).

Exhibit #1, "16 Required Points for Alcohol Server Education in Alaska": Section 4, third bullet statement: An attempt is made to tell what a drunken person is, and the word intoxication is used. I recommend they use Title IV's definition found under AS 04.21.080(b)(8). It is less confusing and more straightforward.

Calendar, Exhibit #5: There is an error in statement #3. It says, "If you are in the municipality of Anchorage, you must ID all customers at liquor stores." Anchorage ordinance 10.50.35C in part states "Mandatory identification check in the retail sale of alcoholic beverages: Licensee or licensee's employee or agent shall require any **purchaser of alcoholic beverages** at any package liquor store to produce a current government-issued identification with birth date and photograph for identification check prior to any on-premises sale...."

Course book, page 2: In the section "resulting in a \$10,000 fine and up to one year in jail," there should be an "or" after "and." One can receive one or the other or both. The second offense within five years is misleading and makes it sound like the three offenses listed could each be felonies. Furnishing within five years of a conviction or a similar statute from another state is a felony. Serving to a drunken person is always going to be a Class A misdemeanor, and selling drugs is contingent upon the classification of the type of drug being sold.

Course Book, page 5: The address and phone number listed is not correct.

Course Book, page 8: Underage buyers are between the age of 18 and 20 ½ years old, not 21 years old. The second paragraph also states if failing a compliance check, a citation will be issued. It's actually a summons that is issued, and one could also be physically arrested and taken to jail.

Course Book, page 8: The third paragraph refers to the "shoulder tap" program. Those providing alcohol may be arrested. They could also receive a summons. This is dependent on the location and resources available as to what happens to a person furnishing alcohol to a minor.

Course Book, page 8: The fourth paragraph describes types of incidents for which a server can receive a citation or administrative action. Remove the word "citation," as these examples would be summonses. A server could also be issued a summons for not having his/her server card.

Course Book, page 9, "Physical copy of Title 4 on premises": It is not a requirement to keep Title 4 book on the premises.

Course Book, page 15, Last paragraph, "Specials, Promotions and/or Happy Hours": It is not legal to raise the price of alcohol to offset cost of entertainment.

Course Book, page 17, "Adulteration or Misbranding of Alcohol": Regulation doesn't mention anything about topping off like-branded bottles from 1.75ltr to a 750ml bottle. You can't misrepresent Monarch in a Grey Goose bottle and pass it off as Grey Goose.

Course Book, page 21: Regarding written orders, might want to add that licensees have to contact AMCO to be entered into database for shipping areas with restrictions.

Course Book, page 23, "Common Server/Seller Citations": Change citations to summons.

Course Book, page 24, Summary, fourth line down: The word "not" needs to be removed.

Course Book, page 32, First paragraph, last word: Intoxication is being used in same sentence as drunken person. Use Title 4 definition of drunken person.

Course Book, page 38, "How to calculate BAC": I would remove this and just teach totality of circumstance in regards to a drunken person.

Course Book, page 43, "Verifying if a person is of legal age": Just an observation from compliance checks. When clerks "do the math," they often forget to figure in the month and day often mistakenly thinking the customer turned 21 this year.

Course Book, page 44, "Born on or before": Remove the "on or before" calendars from liquor side of retail stores. I've seen clerks look at wrong calendars multiple times and fail a compliance check. Keep tobacco "on or before" calendars on retail side only.

Course Book, page 46, "Statement of Truth," 2nd paragraph: "Statute" should be replaced with "regulation," which requires them to keep Statements of Truth for 90 days. We would like to see taught that AMCO is contacted when yellow form is filled out so we can verify if the person is under 21 as best we can. However, this is not a requirement.

Course Book, page 55. Temporary licenses are now printed on black and white regular paper.

Once the noted corrections are made, the course will be in compliance with 3 AAC 304.465.

From: Oates, Sarah D (CED)
To: "Dale Fox"
Cc: bob@anchorage-distillery.com; [Chambers, Sara C \(CED\)](#); [Hamilton, Joe \(CED\)](#); [Hoelscher, James C \(CED\)](#)
Subject: RE: TAP approval
Date: Friday, February 17, 2017 9:21:00 AM
Attachments: [TAP Review Edits.pdf](#)
[TAP Temporary Approval.pdf](#)
[image001.png](#)

Good morning, Dale:

Attached are your temporary approval for the TAP course that is valid until the next regular ABC Board meeting in April, along with a list of edits from our enforcement team.

You may continue with operation of the program unless the Board votes otherwise at the April meeting.

If you have any questions or concerns, please feel free to reply all to this email.

Have a nice weekend,

Sarah Daulton Oates

Program Coordinator
Alcohol & Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov



Please consider the environment before printing this e-mail.

From: Dale Fox [mailto:dfox@alaskacharr.com]
Sent: Thursday, February 16, 2017 4:09 PM
To: Oates, Sarah D (CED)
Cc: bob@anchorage-distillery.com
Subject: TAP approval

Hi Sarah:

I called enforcement today to follow up on the TAP program approval. The program officially expires at the end of the day tomorrow so approval is kind of important. I was informed that both James Hoelscher and Joe Hamilton were out of the office until next week.

I heard from Chairman Klein that the review by enforcement was complete. I assume that we are ok to continue operation unless we hear otherwise.

Dale Fox
President & CEO
Alaska CHARR

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STATE OF ALASKA
Department of Commerce, Community, and
Economic Development
Alcoholic Beverage Control Board
TEMPORARY APPROVAL

To: Sara Chambers, Acting Director
 Alcoholic Beverage Control Board
From: Sarah D. Oates, Program Coordinator
Date: February 17, 2017


Request for temporary approval for an alcohol server education course:

D.B.A.: Training for Alcohol Professionals (TAP)
OWNER: Alaska CHARR
LOCATION: 1503 W 31st Avenue, Suite 202
 Anchorage, AK 99503
www.alaskacharr.com

THIS IS A TEMPORARY APPROVAL PENDING FINAL ABC BOARD APPROVAL;

therefore, any investment based upon the issuance of this temporary approval is at the applicant's risk.

Under delegation of authority granted to the director by the board at its meeting of April 8 and 9, 1998, under AS 04.06.080, I grant **temporary** approval of the above application.



 Sarah D. Oates, Program Coordinator Date 2/17/17

Concur:  FOR J. HOELSCHER

 James Hoelscher, Enforcement Supervisor Date 2/17/17

Approved: 

 Sara Chambers, Acting Director Date 2/17/17

EFFECTIVE: February 17, 2017

PLEASE KEEP THIS MEMO UNTIL A FINAL DECISION HAS BEEN MADE BY THE ALCOHOLIC BEVERAGE CONTROL BOARD.