



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the  
Alcoholic Beverage Control Board

DATE: February 19, 2019

FROM: Erika McConnell, Director

RE: Fines for Violations

**Requested Action:** Fine schedule for violations

**Statutory Authority:** AS 04.06.090(a): “The board shall control the manufacture, barter, possession, and sale of alcoholic beverages in the state. The board is vested with the powers, duties, and responsibilities necessary for the control of alcoholic beverages,…”

At the October 2017, meeting in Kenai, Mr. Evans raised the issue, not for the first time, of whether or not the board can have a schedule of fines to be issued for violations such as not having the required server education.

The statutes are currently written in such a way that the board can only impose a fine upon a licensee either as part of an accusation under AS 04.11.510(c) or if a licensee has been convicted of a violation of Title 4, the regulations at 3 AAC 304, or an applicable municipal ordinance. This is expressed in AS 04.11.575, Civil fine. The board has adopted a fine schedule at 3 AAC 304.540 to use when considering a fine as part of an accusation.

Other sections of statute allow the courts to impose a fine in very specific circumstances (AS 04.16.049; AS 04.16.050; AS 04.16.200; AS 04.16.205; AS 04.21.065).

Statute does not appear to allow the board to impose civil fines for violations of statute or regulation without either an accusation or a conviction.

The Title 4 rewrite, now expressed in SB 52, changes the disciplinary structure of the system to allow AMCO Enforcement to issue a “violation” when they find an instance of non-compliance with the statutes. This will be similar to writing a ticket. In the rewrite, most violations are punishable by fines of \$250, with some specifically noted as having a fine of \$500 and some having a fine of \$100.