



## MEMORANDUM

TO: Robert Klein, Chair and  
Members of the ABC Board

FROM: Sara Chambers  
Acting Director, ABC Board

DATE: January 24, 2017

RE: Alcohol Server Education  
collaboration at the board's  
request

At its December meeting, the board requested that Chief Investigator James Hoelscher collaborate with CHARR President and CEO Dale Fox to determine in what areas alcohol server education must be delivered—and through what medium—according to 3 AAC 304.465.

Chief Hoelscher, Mr. Fox, members of staff from both organizations, and I met twice to discuss the strengths, weaknesses, challenges, and opportunities for approved server education providers to comply with current regulations and to muse on potential changes to regulations. Here are our observations:

### CURRENT REGULATORY REQUIREMENT

AS 04.21.025 requires the board “to consider the needs of both urban and rural licensees regarding access to an approved alcohol server education course” when approving such courses. According to current board regulation 3 AAC 304.465, alcohol server education providers may offer distance education courses via video, audio, written, internet, or telephonic means to servers at rural premises. Currently, internet-based training must include verification of the server’s identity using a process that is approved by the board and reapproved annually. Course providers must be reapproved by the board every 36 months or they must cease training.

The board has defined *rural* as “those licensed premises not on a statewide road system or further than 50 miles on a road system from a community where the course is offered at least once every month.”

### OPTIONS FOR FUTURE REGULATIONS CHANGES

Our group discussed several options to present to the board, including variations on the following:

1. **Redefine “rural” and who may take an online course.** The board may decide to alter these requirements in regulation. The framework below is one option we considered, providing the example that servers in Kenai should drive the 10 miles to Soldotna, and those in Palmer or Sutton should drive to the Wasilla class. Those off the road system, like fishing lodges, would be allowed to take the online class. Similarly, people who live in small communities not connected by road like Hoonah or Kake should be allowed to take the online class.

- a. Anyone who works at a licensed premises in a community with a population less than 6,000 people as certified annually by the commissioner of the Department of Commerce, Community, and Economic Development may take the online course, except for those with road accessibility as described in number 4, below.
  - b. Anyone who works at a licensed premises in a community with a population of more than 6,000 people as certified annually by the commissioner of the Department of Commerce, Community, and Economic Development and where an in-person class is offered at least once a month shall take the in-person class.
  - c. Anyone who is in an area of the state where monthly classes are not offered may take the online class.
  - d. Residents whose place of business is more than 50 miles on a road system from a regularly scheduled class or those not on a road system connected to a location of an in person class are eligible to take online training.
  - e. Residents of communities under 6,000 who are on a road system and are within 50 miles of a community where an in-person class is offered at least once a month shall be required to take the in-person class.
2. **Allow all servers to take courses online, regardless of their physical location in the state.** This concept provides greater flexibility to those who may not be able to attend an in-person class at the time it is offered in their vicinity. Servers may work different shifts, have multiple jobs, child care requirements, or other impediments to in-person attendance. If well-designed, a self-study or online course—such as currently offered for everything from a Master in Business Administration degree to an Alaska driver's license—can provide the same level of education as an in-person education. Even a minimally interactive course can ensure that servers are educated on the 16 points required in regulation.
3. **Codify the board's standards in regulation.** To ensure that server education programs meet the board's standards, the board is suggested to define those standards in regulation.
- For example, 3 AAC 304.465(c)(4) requires server education to include “effects of alcohol consumption, including identifying a drunken person.” If the board does not identify a standard, then any course that merely lists symptoms of drunkenness could qualify for approval on this topic—whether in-person, online, or via correspondence. If the board preferred to set a higher standard, then it could elaborate on what it expects.
4. **Design a rubric for evaluation and approval of courses.** Using a rubric to evaluate courses based on the board's standard would aid staff in making recommendations to the board, as well as provide clear explanation of the board's expectations to providers seeking course approval (or reapproval).

## RECOMMENDATION

My recommendation is that the board release a regulations scoping notice and form a temporary committee to evaluate the statutory requirements, practical applications, and logistical concerns facing effective server education in Alaska. Any change proposed by the board must be considered through the public process, which provides all stakeholders the opportunity to review and comment on the board's proposal. Committee meetings will be publicly noticed as required by the Open Meetings Act.

This committee may make recommendations to the board to draft future regulations changes. I would encourage participation from the following:

- One board member to serve as chair
- All approved course providers be invited and the committee meet only when at least one can attend.

- At least two ABC licensees from “rural” areas and the committee meet only when at least one can attend
- At least one member of the board’s staff to provide insight and to serve as administrative support

Should the board decide to form such a committee, it would need to be approved by a majority of the board on the record at a public meeting.

Please let me know if you have any questions or concerns about these concepts and recommendation.

Sincerely,



Sara Chambers  
Acting Director

**From:** [Dale Fox](#)  
**To:** [Hoelscher, James C \(CED\)](#); [Oates, Sarah D \(CED\)](#)  
**Cc:** [Kirsten Myles](#); [Pete Hanson](#)  
**Subject:** In Person vs Online Alcohol Server Training  
**Date:** Sunday, January 22, 2017 1:08:01 PM  
**Attachments:** [image001.png](#)

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James & Sarah:

Below is my first draft of a suggestion for the Board to consider as a policy for In-Person vs On-line alcohol server education. Clearly this first draft will be modified by the board if they wish to make different policy decision, by the attorney's as they develop regulations and by the public comments if this suggestion proceeds to become a new regulation.

Criteria for In-Person vs. Online Classes

1. Anyone who works in a community with a population less than 6,000 people as defined by the most recent U.S Census may take the on line class, except for those with road accessibility as described in section 4.
2. Anyone who works in a community with a population of more than 6,000 people as defined by the most recent U.S. Census where a in person class is scheduled monthly shall take the in-person class.
3. Anyone who is in an area of the state where monthly classes are not offered may take the online class.
4. Residents whose place of business is more than 50 miles on a road system from a regularly scheduled class or those not on a road system connected to a location of an in person class are eligible to take on-line training.

Residents of communities under 6,000 who are within 50 miles on a road system shall be required to take the in person class.

The idea is that folks within 50 miles on a road system of a regularly scheduled class should attend the in person class. Folks in Kenai should drive the 10 miles to Soldotna and those in Palmer or Sutton should drive to the Wasilla class.

Clearly those off a local road system like fishing lodges would be allowed to take the on line class. Similarly people who live in small communities not connected by road like Hoonah or Kake should be allowed to take the online class.

I look forward to meeting on Tuesday to hear your ideas on how this wording could be more precise or elegant.

Cheers,

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