

Enforcement Regulatory Changes

ABC Board

Slide One

* Warnings and Advisory Notices. Expand authority under 3 AAC 304.505 to make references to both and to potentially describe and define minor, intermediate, and serious violations,

Slide Two

* The authority to issue something less than a written warning/advisory notice is implied. Consider making authority to provide verbal warnings express.

* Does the current description of advisory notice in 3 AAC 304.525(a)(2) coincide with board's understanding of written warnings as described in the slide?

Slide Three

* This description of a notice of violation as a recourse for intermediate or serious violations does not comport with the description of an N.O.V. in 3 AAC 304.525(a)(1). An N.O.V. in regulations can be issued even for events that "might have occurred." Description of what an N.O.V. must include must also be codified.

* Informal conferences with the director are mandatory under 3 AAC 304.525(a)(1)(B). Consider permitting letting the director defer those conferences if he or she thinks the informal conference remedy should go directly to the board.

Slide Four

* Process fits under the current regulations, but may consider making these specifically identified courses of action express.

* Also clarify Respondent's appeal rights of sanctions less than revocation or suspension not clear.

Slide Five

* Informal conferences with the director are mandatory under AS 04.11.510(c). Consider permitting letting the director defer those conferences if he or she thinks the informal conference remedy should go directly to the board.

Additional Considerations

* Although case law supports summary suspension in case of immediate harm to the public, the board may consider creating a regulatory provision on how that would proceed. See MCB summary suspension remedy at 3 AAC 306.825 as an example