

Alcohol Management Handbook

Main Street Market

**881 Main Street
Riverside, CA. 92501**

August 1, 2018

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Management Alcohol Plan

- 1.0 **Purpose:** To define policies, procedures, and activities specific to our mission to responsibly manage alcohol sales.
- 2.0 **Scope:** This document and its attachments are to be reviewed and understood by all employees.
- 3.0 **Policies:** The following policies support our mission and drive our procedures and actions.
 - 3.1 **Customer Safety** is our top priority. Every effort will be made to protect our customers. If a customer arrives obviously impaired we will deny selling them alcohol. We will also make every attempt to ensure that customer leaves in a safe manner. Do not give chase if a crime is committed, chasing puts you and the customer at risk of injury.
 - 3.2 **Excellent Customer Service** is always required. Refusing to make a sale to customer requires the greatest sensitivity, especially if the customer is impaired. Always treat the customer with respect and politeness. Always seek to de-escalate situations.
 - 3.3 **ABC License** to sell alcohol is a privilege and will be protected. We will guard this privilege by knowing what is expected of us, training to those expectations, and monitoring performance against the expectations. Special focus shall be given to:
 - Not selling alcohol to minors (under 21 years old)
 - Not selling to those Obviously Intoxicated
 - Not permitting premises to be used for illegal drug activity
 - Not permitting alcohol consumption on its premises
 - 3.4 **City Agreement** to operate is a privilege and will be protected. We will guard this privilege by knowing what is expected of us, training to this expectation, and monitoring performance against these expectations.
 - 3.5 **Tobacco Products Laws** will be complied with, to include, NO:
 - Tobacco products or paraphernalia sold to anyone under 18
 - Self-service display of tobacco products or paraphernalia
 - Sales of cigarette packs with less than 20 cigarettes & no singles
 - Tobacco samples in store

- Sales of "bidis" (imported hand-rolled cigarette containing tobacco wrapped in temburi or tendu leaf)
- Our Tobacco Retail License to be posted in a location visible to customers.

3.6 Trained Staff is essential to protect our agreements and the public. Staff will complete the ABC LEAD training within six months of starting. Staff will trained in the following practices before selling alcohol:

- Checking Identification procedure
- Refuse To Sell procedure
- Drug Free Environment
- Management Alcohol Plan
- Clerk's Affidavit

3.7 Impaired-Free Workplace is essential for us to make sound and safe decisions. Staff cannot arrive to work impaired and cannot drink alcohol or consume drugs (legal or illegal) that impair on the job.

3.8 Signs are Posted as required by law. Signage includes:

- Notice to Customers (warning customers about laws and penalties)
- STAKE Act (to report unlawful tobacco sale)
- Warning Sign (on alcohol beverages and increased health risks)

3.9 In Accordance With City Posting requirements, we shall post educational material for the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This will be accomplished by either posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.

3.10 Our Neighbors - Our Community is our concern. Staff will be observant and act to prevent our customers from interfering with our neighbors. If we see an unsafe situation, we will contact authorities as needed.

4.0 ABC Laws: Selling alcohol is a privilege granted by both city and state governmental agencies. Authorities have a responsibility to monitor businesses that sell alcohol and take firm action against those businesses that do not fulfill their legal commitments.

Enforcement of Agreements

Cities and counties use police officers or sheriff's deputies and Code Enforcement to monitor businesses for compliance with the city or county agreement.

Violations of State and City laws, regulations, and ordinances can be classified into four types of liability. Each liability type carries a range of possible disciplinary actions and outcomes.

Criminal (Against Employee)	Administrative (Against Licensee)	Civil (Against Everyone)	Local Ordinance (Against Owner)
Fine	Fine	Lawsuit (negligence)	Stricter Conditions
Community Service	ABC License Suspension	Money Judgments, Settlements	Suspend or Revoke Permits
Jail (tragedy)	ABC License Revocation(*)		Immediate Closure in Some Cases

Four Types of Liability

(*) The laws says revocation of license if 3 strikes within 3 years in cases involving minors

If the ABC files charges, the District Attorney where the business is located is given the case information to determine if the city would want to take action.

ABC uses field investigators to monitor businesses for compliance to their liquor license. Investigators are in the field daily. Many of their enforcement actions target businesses with complaints. Complaints commonly come from:

- Neighbors who don't like being disturbed by noise, experience trash on their property resulting from the operator's customers, or see things that make them uncomfortable.
- Customers who notice illegal or questionable actions.
- City officials in which the business operates. Typically this occurs due to too many police calls or the identification of an area of concern.

The most common problem ABC investigators find is the business not meeting a condition on its license. During routine inspections they check if:

- Exterior of building is kept clean and swept daily.
- Graffiti is removed within 72 hours.
- Only a maximum of 33% of windows are covered with advertising.
- Interior and exterior of the business is lit well enough to monitor activities inside and outside of the business.
- Operator is taking responsibility for what happens in their parking lot.

While the ABC can and will enforce all statutes the operator has agreed to, the

agency focuses its activities in four areas:

- Does business sell alcohol to minors (under 21 years old)?
- Does business sell alcohol to the Obviously Intoxicated?
- Is there illegal drug activity on premises?
- Has business become a law enforcement problem?

Minor Decoy Program

The ABC conducts its Minor Decoy Program year-round to ensure businesses to not sell to minors. Undercover law enforcement works with minors to test businesses.

While the most common operator violation is not meeting a condition on its license, the second most frequent ticket issued by the ABC is sales to minors (includes off-sale), and from a punitive point-of-view, it's also the most problematic for the licensee.

If a minor hands money to an adult and then the adult purchases alcohol, the seller is responsible under the "causes to be sold" criteria.

Here are the key points in this enforcement program.

- a. Decoy <20 (typically 16-18).
- b. Will appear <20, won't use clothing or make-up to look older.
- c. Carry a real ID, or no ID, never phony ID; 99% have ID.
- d. If asked for ID, decoy must show ID.
- e. Must answer questions honestly: are you 21 yet?
- f. After someone fails, the investigator will make a seasonable effort to have the decoy and employee come face-to-face for confirmation. Decoy must then identify the person who sold them the item.

The business is required to make a good faith effort in checking identification, a responsible effort, versus a lazy effort. Did the operator: compare photo for a match, confirm date demonstrates carrier is 21, check ID expiration date, is the height or weight way off, is license flimsy?

If the business is found to sell to a minor:

Cashier: May be arrested and charged with a misdemeanor. For a first offense, \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense, the penalty is a maximum \$500 fine and/or 36-48 hours of community service. If the minor consumes the alcohol and thereafter causes great bodily injury or death to the minor or any other person, the person who purchases and furnishes to the minor faces a minimum 6 months and maximum 12 months county jail and/or a \$1,000 fine.

Business: For a first offense ("strike"), the penalty is a \$750-\$3,000 fine, license suspension (standard penalty is 15 days suspension), or probation. For a second strike within 3 years, the penalty is a license suspension (standard penalty is 25 days suspension) or \$1,500 to \$6,000 fine. In some cases the fine on a second strike may be \$2,500 to \$20,000. For a third strike, within 3 years, the license is revoked; ABC may also revoke prior to a third strike when the circumstances warrant that penalty. After ABC revokes any license for reasons pertaining to the premises, ABC cannot issue a license in that building for one year. For a sales-to-minor case involving great bodily injury or death, the ABC penalty against the business would depend upon the operator's prior ABC record and the facts of the case.

The ABC may increase or decrease a standard penalty in any given case based upon aggravating or mitigation factors.

Obviously Intoxicated Customers

No person may sell or give alcohol to anyone who is obviously intoxicated. A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. Some of the signs of intoxication are: being overly friendly, using foul language, argumentative, belligerent, slurred speech, slow, deliberate movements, swaying, drowsy, stumbling, red, watery eyes, or alcoholic breath. No person may sell or give alcohol to anyone who is a habitual drunkard (a person who has lost control over his or her drinking). A licensee or server who has been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Secs. 25602(a) and 23001 B&P; 397 PC)

Agents will work undercover to see if an operator sells alcohol to an obviously intoxicated person.

Target Responsibility for Alcohol Connected Emergencies (TRACE) is another method the ABC uses to track potential selling alcohol to a minor. Law enforcement will trace the last drink of a driver in an accident where someone was fatally hurt.

If the business is found to have sold to an obviously intoxicated person:

Cashier: May be arrested and charged with a misdemeanor. \$1,000 fine and/or 6 months in the county jail.

Business: Fine and/or suspension or revocation of liquor license. First offense, a fine and/or suspension (15 days is standard penalty) of liquor license; for a second offense within 3 years, there is a mandatory license suspension (25 days is standard penalty); third offense within 3 years is 45-day suspension (standard

penalty) to revocation. The ABC may increase or decrease a standard penalty in any given case, based upon aggravating or mitigating factors.

If the business is found to have been responsible for having sold the last drink to someone fatally hurt in car accident:

Cashier: Possible jail time.

Business Range from 15 to 60 days suspended license depending on circumstances. They tend to lean toward the maximum verses the minimum for this type of violation.

Illegal Drug Usage

ABC handles these violations different from other violations. Agents will work undercover to determine if a licensee knowingly permits illegal sales or negotiations of narcotics or dangerous drugs on its premises. On the very first violation, they seek the revocation of the license. No three strikes here.

Law Enforcement Problems

If ABC deems business to be a Disorderly House (lewd conduct, too many fights, excessive calls for service, neighbor complaints, or too many drunks), the ABC will take action. Penalty is decided on a case-by-case basis.

5.0 Procedures: It is important that each person understand their responsibilities. Duties and methods to ensure we are in compliance with our agreements are documented below and in the following attachments:

- Checking Identification procedure
- Refuse To Sell procedure
- Drug Free Environment procedure
- Clerk's Affidavit form
- Incident Report form
- Training Checklist form

Cashiers

5.1 Check Identification of all customers who look under 30 years old. In

examining identifications, follow the Checking Identification procedure.

- 5.2 **Obviously Intoxicated** customers are not to be sold alcohol. Politely refuse alcohol sales to those Obviously Intoxicated customers per the Refuse To Sell procedure. Contact law enforcement as needed.
- 5.3 **Parking Area** is to be reasonably monitored to ensure illegal activities are not ongoing. Contact law enforcement as needed. Consider:
- Are customers disturbing the peace or property of our residential or commercial neighbors?
 - Are customers conducting illegal drug activity?
 - Are minors attempting to get adults to purchase them alcohol?
 - Are people drinking alcohol on our premises?
 - Is there violence or the risk on violence, or other inappropriate behavior?
- 5.4 **Document** all significant events using Incident Report shown in Addendum. Be sure Incident Reports read clear and professional—they may be read in court. Incidents to document:
- Refusal to sell alcohol to someone because they cannot prove their legal age is 21 or over
 - Refusal to sell alcohol to an Obviously Intoxicated person
 - Calling law enforcement, fire department, or 911
 - A fight on premises
 - Asking customer(s) to leave premises
 - Customer has an accident or is injured on premises
 - Witness statements (essential to get when possible)
- 5.5 **Professionalism** is required at all times. Treat customers with respect and politeness, seek to de-escalate situations. We have a strict No-Hit Policy.

Management

- 5.6 **Trains** staff against the following documents:
- Management Alcohol Action Plan and procedures
 - Clerk's Affidavit
 - Incident Report completion

Staff will complete ABC LEAD training or the GAPPOP training within six months of start date. Training record is kept in the employee's folder.

- 5.7 **Schedules** staff to ensure workers 17 or younger only sell alcohol when

supervised by a person 21 or older.

- 5.8 **Posts signage required by law. Signage includes:**
- Notice to Customers
 - STAKE Act
 - Warning sign on alcohol beverages and increased health risks
- 5.9 **Examine Incident Log for completeness and common problems.**
- 5.10 **Monitors premises to ensure:**
- Required signage is posted
 - Stake Act sign to be posted near each register
 - Exterior is kept clean & graffiti is removed
 - Exterior and interior is well lit
 - No more than 33% of windows are covered with advertising or signs
 - Retail operating standards is available for public viewing
 - Drug Paraphernalia is not sold
- 5.11 **Evaluates staff performance, providing positive feedback as appropriate and corrective action as needed.**
- 5.12 **Considers changes in law and updates policies and procedures as needed to reflect changes.**

Staff Signature & Date: _____

Trainer Signature & Date: _____

Checking Identifications

Revised: August 25, 2017

1.0 Purpose: To define policies, procedures, and activities specific to examining identification to check a customer's age.

2.0 Scope: This document is to be reviewed and understood by all employees needing to check the age of a customer.

3.0 Policy: Only customers 21 and older are legally allowed to purchase or consume alcohol. Only customers 21 and older will be permitted to be in possession of alcohol. An operator has the legal right to refuse service to anyone who fails to provide adequate documented evidence of age. Authority: B&P Code Section 25659.

4.0 Procedure: Checking an ID is a three-step process:

1. Check to see if the ID indicates the person is 21 or older.
2. Check to see if the ID matches the person using it.
3. Check to see if the ID is currently valid (not expired) and authentic.

4.1 The only bona fide identifications allowed to prove age in California:

- Driver's license
- U.S. government I.D. card (federal, state, county, or city)
- Foreign passport with photograph
- U.S. Military identification
- U.S. passport

4.2 Two non-bona fide identifications cannot be combined to determine a customer's age. For example: a student identification card that either identifies or infers a certain age cannot be combined with a credit card to prove age.

4.3 Bona fide identifications need to be issued by a government agency and be currently valid.

4.4 Bona fide identifications need to include the following:

- Name
- Date of birth
- Photograph
- Description—with the following exceptions: both military identifications and passports will not contain a physical description

4.5 Do the math—does the identification indicate the person is 21 or older?

4.6 Is the identification still valid or has it expired?

4.7 Compare picture to person. Are they the same? Focus on the nose and chin. If the person in the picture is smiling, don't hesitate to ask person to smile. If still unsure, consider asking:

- Person their zodiac sign
- Person to sign name; then compare to the signature on the identification
- Person for personal information on identification: address, DOB, spelling [] of last name (if not common)
- Friend of identification bearer some questions, such as last name and address of identification bearer

4.8 Check to see if identification is phony or altered. Check for:

- Razor marks or use of white out
- Does it feel right? It should not feel flimsy

4.9 There are several other things to check for when examining California driver's licenses. It is important when checking licenses to use the most recent edition of the book that shows state driver's licenses and earlier versions of state licenses. This ensures you match the license against safeguards applicable to the date the license was generated. Among other things, the most recent California driver license should include the following:

- A laser perforated image of a California Black Bear on front, visible when a flashlight is pressed against the back of card
- The laser engraved signature on front is raised and can be felt by touch
- Color UV images visible with an ultraviolet light

4.10 If in doubt about identification—do not accept it—and immediately contact your manager to resolve the situation.

4.11 If identification is determined to be either phony or questionable, your manager will decide if identification will be returned to the bearer or confiscated. If confiscated, the identification must be turned over to law enforcement.

4.12 Examples of unacceptable IDs are attached.

New Team Member: _____
Team Leader: _____ Date: _____

Refuse to Sell

Revised: August 25, 2017

1.0 Purpose: To define policies, procedures, and activities specific to refusing to sell alcohol to an Obviously Intoxicated or Impaired customer.

2.0 Scope: This document is to be reviewed and understood by all employees charged with selling alcohol.

3.0 Policies: Customers identified as obviously intoxicated or significantly impaired are to be refused alcohol sales.

3.1 Staff should arrange safe transportation from the business for those customers at serious risk to self to others. Safe transportation might include calling law enforcement.

3.2 Staff will never argue, verbally attack, or lose your temper with the customer.

4.0 Procedure:

4.1 Evaluate customer's impairment. Signs of Obvious Impairment include:

- Relaxed inhibitions
- Slowed reactions
- Impaired judgment:
 - Argumentative
 - Irrational statements
 - Belligerent
 - Loses train of thought
- Physical appearance that might include:
 - Red, watery eyes
 - Droopy eyelids & lack of eye focus
 - Smell of alcohol
 - Lack of coordination
 - Fumbles with money
 - Sways or stumbles

4.2 If customer is determined to be Obviously Intoxicated or Impaired:

- Politely inform customer that you're unable to sell them alcohol
- Acknowledge your understanding they probably aren't happy with decision, but indicate:
 - It's against the law to sell alcohol when someone already appears intoxicated
 - Reference posted signage indicating law

- As a cashier, you could lose your job and be fined
- The business loses money by not selling, but it's the right thing to do to protect you. We don't want to risk anything bad happening to you.
- Be respectful, sympathetic, but firm.

- 4.3 The customer might disagree. Do not argue. Don't back down. Consider:
- Apologize if despite the training we are wrong but we're doing what we believe is right for you.
 - Mention our liquor license is jeopardized if we sold you alcohol, and the ABC is in here undercover all the time.
 - Again, apologize to customer, but state you cannot legally sell them alcohol, but can sell them other items.
 - Focus your attention on other customers, or other duties, but do not turn your back to the customer.

- 4.4 If customer is driving, recommend to customer find another way to get home safely: a taxi, a friend. If customer insists on driving, call the police. Be prepared to provide: customer description, vehicle description, license plate (if possible), direction vehicle headed (if customer left).

- 4.5 Document details in the Incident Log.

Staff Signature & Date: _____

Trainer Signature & Date: _____

Drug-Free Environment

Revised: August 25, 2017

1.0 **Purpose:** To define policies, procedures, and activities specific to guard against illegal drug activity on our premises.

2.0 **Scope:** This document is to be reviewed and understood by all staff.

3.0 **Policy:** Illegal drug use, solicitation, or sale is strictly prohibited on our premises as stated in the following ABC code:

Narcotics and Dangerous Drugs

Licensees may not knowingly permit illegal sales, negotiations, or use of narcotics or dangerous drugs on the licensed premises. (Secs. 24200.5(a) and 24200(a) B&P; various H&S)

Criminal: Most drug offenses are felonies, punishable by imprisonment in prison.

ABC handles illegal drug violations different from other violations. Any licensee who knowingly permits illegal sales or negotiations of narcotics or dangerous drugs shall face revocation of his or her license. To repeat: no three strikes, on first strike they seek revocation of license.

4.0 **Procedures:** To protect our alcohol license it is critical we make every reasonable effort to prevent illegal drug use or transactions from occurring on our premises.

4.1 If any employee, or anyone working with us, sees any illegal drug activity, immediately contact management.

4.2 If anyone asks you where he or she can get/buy illegal drugs, immediately contact management.

New Team Member: _____

Team Leader: _____

Date: _____

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- Log is completed and filed each night. If additional space is needed, use multiple log forms as needed, or record on back of this form
- If the shift ends without incident, complete the log and indicate no incidents
- Log to always include indication if policed visited business
- Attach appropriate police officer provided information, when appropriate
- Staff who witnessed events involved in incident must record their observations
- When possible, get independent witness statements when an altercation occurs.
- Statements should include contact information for witness.
- Each incident logged must include the legible printed name of person recording information

If yes, did police visit due to: _____
Staff called: _____

Customer called: _____
Neighbor call: _____

Nobody called for service: _____

Description of Incident(s)

[illegible]

Recorded by:

Cashier Training Checklist

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Manager Initials Once Training is Completed & Understood by Employee

- ☐ Read & understands information in MAP
- ☐ Read & understands Checking Identification procedure
- ☐ Read & understands Refuse to Sell procedure
- ☐ Read & understands Drug-Free Environment
- ☐ Understands when and how to complete an Incident Report
- ☐ Read & understands Clerk's Affidavit