

MEMORANDUM

TO: Public Safety Committee

FROM: Justina J. Ferber  Legislative Analyst

SUBJECT: Briefing – Alcohol Compliance Check Program
Department of Liquor Control
Department of Police

Those expected for this briefing:

George Griffin, Director, Department of Liquor Control
Kathie Durbin, Chief of Licensure, Regulation and Education, DLC
Captain Thomas Didone, Montgomery County Police Department (MCPD)
Sergeant Mark White, Supervisor, Alcohol Initiative Section, MCPD

Attached is a report on the results of the Department of Liquor Control (DLC) FY2013 Compliance Check Program. The report shows that 72 percent of establishments that sell alcohol turned away youth under the age of 21 which is a slight increase in illegal alcohol sales from FY2012.

The Compliance Check Program is collaboration between DLC Alcohol Inspectors and County Police. During a compliance check, young people under the age of 21 are sent into licensed establishments and/or stores to attempt to purchase alcohol with a vertical Maryland, underage driver's license. The team has an annual goal to check at least 400 businesses a year. There are approximately 1,000 licensed establishments in the County. Tobacco compliance checks are also conducted by DLC inspectors.

The Department of Liquor Control and Police representatives will be present to discuss the Compliance Check Program and outline the next steps in assisting County businesses in improving compliance.

This packet contains:

| | <u>Circle #</u> |
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Compliance Check Program

Fiscal Year 2013

Alcohol Regulation

Along with the sale and distribution of alcohol comes a responsibility to educate and enforce alcohol laws and regulations to ensure safety. Recognizing that alcohol licensed businesses are the first line in defense to reduce the availability of alcohol to youth under 21 years of age, intoxicated individuals, and to maintain keg registration a comprehensive compliance program was developed.

Four types of compliance checks are conducted: A compliance check involving youth under the age of 20 using their own ID, attempting to purchase alcohol at a licensed establishment; A compliance check involving youth under the age of 20 using their own ID, attempting to purchase alcohol through room service at a hotel or motel; A compliance check involving enforcement specialists in plain clothes within a facility conducting surveillance for sales to visibly intoxicated patrons; and A compliance check involving enforcement specialists in plain clothes within a facility conducting surveillance for illegal keg registration.

Alcohol Inspectors and Police conduct compliance checks in tandem delivering both an administrative violation against the liquor licensee and a criminal citation to the individual seller/server for failed compliance.

Protocol

Maintaining a consistent protocol is the basis of a successful compliance check program. All underage volunteers (UV) are checked to ensure the only belongings on their person at the time of an attempted purchase is their valid ID, a cell phone for safety and buy money funded by the Licensure, Regulation and Education (LRE) Division of the Department of Liquor Control. Age enhancements such as facial hair, provocative clothing, and sun glasses are unacceptable. UV's attend an extensive training that includes detailed protocol as well as role playing.

Spin-offs

Although they are the primary intention, underage sales and over service are not the only violations yielded from compliance checks. On occasion offenses such as tampering, unapproved source of alcohol, lack of alcohol awareness training and other violations are identified during compliance checks.

Anecdotes

There are two typical scenarios for failed compliance checks involving UV's. Either an ID is not requested, or when asked and presented with an underage vertical ID the employee sold or served regardless of the stated age. Businesses are advised to make it a practice to always ask for an ID, to not accept vertical IDs,

and to have age verifying calendars at registers. Training on ID reading is applicable to all servers and sellers of alcohol and should be conducted at a minimum, once a year.

A free alcohol retailer's course was developed for licensees and their staff. The Alcohol Law Education and Regulation Training (also known as "ALERT") compliments the state certified server training programs, focuses on local laws, ID checking and best practices. Liquor inspectors head up the course relaying applicable information. This training also allows Inspectors to interact with new and current licensees on friendly terms and helps build a reputation as a trusted resource to businesses. Training staff in a state recognized alcohol awareness certification program is also urged. Managers should always back up employees when alcohol sales are refused. A consistent and posted policy is an establishment's best deterrence against underage sales.

Tobacco Regulation

Annually, the Montgomery County Department of Liquor Control conducts tobacco compliance checks to reduce tobacco sales to minors under the age of 18; and to ensure product placement laws are followed. In Fiscal Year 2013, 200 inspections were conducted. Out of those 200, 71 locations sold tobacco products to the UV, 41 of those locations checks the UV's identification and still made the sale, with the remaining 30 locations not checking the UV's identification.

Fiscal Year 2013 Alcohol Compliance Check Results:

| Compliance Checks for Underage Alcohol Sales | Number Checked | Number Sold | Compliance Rate |
|--|----------------|-------------|-----------------|
| | 404 | 113 | 72% |

| Complaint Driven Compliance Checks for Sales to Intoxicated Individuals | Number Checked | Number Sold | Compliance Rate |
|---|----------------|-------------|-----------------|
| | 40 | 4 | 90% |

| Compliance Checks for Keg Registration | Number Checked | Number Sold | Compliance Rate |
|--|----------------|-------------|-----------------|
| | 4 | 0 | 100% |

| Total Alcohol Compliance Checks | Number Checked | Number Sold | Compliance Rate |
|---------------------------------|----------------|-------------|-----------------|
| | 448 | 117 | 74% |

Fiscal Year 2013 Tobacco Compliance Check Results:

| Compliance Checks for Underage Tobacco Sales | Number Checked | Number Sold | Compliance Rate |
|--|----------------|-------------|-----------------|
| | 200 | 71 | 65% |

Partner's Include:

Montgomery County State's Attorney's Office



Montgomery County Board of License Commissioners



Montgomery County Police Department



Montgomery County Sheriff's Department



Montgomery County Department of Liquor Control



**MONTGOMERY COUNTY, MARYLAND****News Release**

For Immediate Release: 11/6/2013

Department of Liquor Control Issues Report On Alcohol Compliance Check Program

Montgomery County's Department of Liquor Control (DLC) recently released the results of its 2013 compliance check program, confirming that 72 percent of establishments that sell alcohol and were checked are doing the right thing and turning away youth under the age of 21. The numbers show a slight increase in illegal sales from the 2012 report.

The compliance check program is a collaboration between the departments of Liquor Control and Police. The team has an annual goal to check at least 400 businesses a year. There are approximately 1,000 licensed establishments (on and off sale) in the County.

"Last year more than one quarter of our compliance checks showed that the law was not being followed and that is unacceptable," said Police Chief Thomas Manger. "More work needs to be done. Everyone who is in the business of selling or dispensing alcohol is responsible for making sure that they are not serving people under the age of 21. We will be checking."

During a compliance check, young people under the age of 21 are sent into licensed establishments and/or stores to attempt to purchase alcohol with a vertical Maryland, underage driver's license. The individuals use their own identification and are not permitted to have facial hair, wear excessive makeup, hats or talk on the phone while making a purchase.

"Raising compliance rates is our priority," said DLC Division Chief Kathie Durbin. "Businesses should take advantage of the increased education and outreach efforts supported by DLC and make sure their staff is well trained before they sell or serve alcohol."

The 2014 compliance check program is currently underway. Establishments licensed to sell alcohol can expect to be visited by an underage volunteer in the near future.

For more information, call the DLC Outreach Office at 240-777-1904 or email dlc@montgomerycountymd.gov.

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Maryland Community News

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Report: illegal alcohol sales up slightly in Montgomery County *by St. John Bamed-Smith*
Staff writer

Montgomery County businesses made slightly more illegal alcohol sales in 2013 than in 2012, according to a recently released report from the county's Department of Liquor Control.

According to the report, in random compliance checks that county officials made with the help of teenage volunteers, 28 percent of local restaurants and businesses sold alcohol to people younger than 21. In 2012, the rate was about 25 percent, with 102 businesses failing compliance testing from the county's DLC.

Police and the Department of Liquor Control do about 400 checks annually in Montgomery County. There are about 1,000 places within the county that sell or serve alcohol, according to the department.

During the checks, local teens working with police go into stores or restaurants and try to buy alcohol using their real driver's licenses, which specifically show they are too young to purchase alcohol. Underage volunteers are not allowed to have facial hair, wear excessive makeup or hats, and can't talk on the phone while performing the check.

In a statement regarding the sales, Montgomery County Police Chief J. Thomas Manger said that more work needs to be done and vowed to keep making compliance checks.

Kathie Durbin from the Department of Liquor Control said that raising compliance rates was a "priority," and encouraged local businesses to take advantage of the resources from the department to make sure their staff is well-trained before they sell or serve alcohol.

The effort by the police and underage volunteers is not the only such program in Montgomery County. In late September, the Responsible Retailing Forum began a "mystery shopper" initiative, visiting different stores with shoppers who were young enough that the cashiers or servers would need to do an ID check.

According to Durbin, at the time of a sale, servers or clerks who correctly checked IDs were given a green card and rewarded with \$100, while the manager on duty received a red card if one of their employees failed to check an ID.

According to Durbin, the results of the mystery shopper program is expected in early December. Although results were not yet out, she said it was looking promising, explaining that they had received an enthusiastic response from the participating businesses and that after receiving the initial results from the initiative, many of the shops were doing a better job of carding the mystery shoppers.

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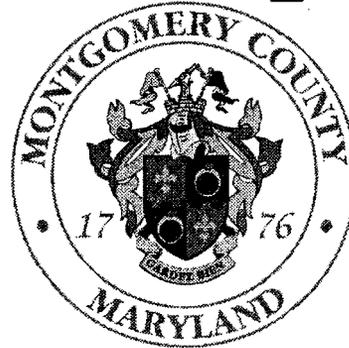
"It was exciting to hear that businesses are stepping up and people at the point of service and sales are carding and identifying the mystery shoppers," she said.

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ADDENDUM

Montgomery County



Under 21 Alcohol Compliance Check Program

Alcohol Compliance Checks

- Alcohol compliance checks are a type of environmental prevention that deters alcohol outlets from selling alcohol to underage youth.

Compliance Checks

- Youth under the age of 20 using their own vertical ID, attempting to purchase alcohol at a licensed establishment
- Youth (UV's) trained by Police and ATEES

Montgomery County Alcohol Compliance Checks

- History
 - 2007- Partnership
 - Alcohol Inspectors (ATES) and Police conduct compliance checks in tandem delivering both an administrative violation against the liquor licensee and a criminal citation to the individual seller/server for failed compliance.

Consistent Protocol

- Age enhancements such as facial hair, provocative clothing, excessive makeup and sunglasses are unacceptable.
- UV's attend an extensive training by police and ATES: protocol, role playing.
- UV's use their real, vertical ID



Fiscal Year 2008/2009 Results

| Underage Alcohol Sales | Number Checked | Number Sold | Compliance Rate |
|------------------------|----------------|-------------|-----------------|
| | 938 | 225 | 76% |

Fiscal Year 2010 Results

| Underage Alcohol Sales | Number Checked | Number Sold | Compliance Rate |
|------------------------|----------------|-------------|-----------------|
| | 550 | 110 | 80% |

Fiscal Year 2011 Results

| Underage Alcohol Sales | Number Checked | Number Sold | Compliance Rate |
|------------------------|----------------|-------------|-----------------|
| | 400 | 83 | 79% |

Fiscal Year 2012 Results

| Underage Alcohol Sales | Number Checked | Number Sold | Compliance Rate |
|------------------------|----------------|-------------|-----------------|
| | 404 | 102 | 75% |

Fiscal Year 2013 Results

| Underage Alcohol Sales | Number Checked | Number Sold | Compliance Rate |
|-------------------------------|-----------------------|--------------------|------------------------|
| | 404 | 113 | 72% |

Compliance Checks

- Two typical scenarios for failed compliance
 - An ID is not requested
 - When asked and presented with an underage vertical ID the employee sold or served regardless of the stated age.

Penalties-

- **Business- administrative (s/c declined)**
 - 1st offense o/c \$1000
 - 2nd offense o/c \$2500
 - 3rd offense – mandatory BLC
- **Server/Seller- criminal**
 - Typically- 24-40 hours community service.
\$200 fee for program

A.L.E.R.T

Next steps- increase compliance

- Mystery Shop Program
- Calendars
- A.L.E.R.T. “on the road”
- Increase joint agency media
 - (police and dlc)

Reducing Under 21 Access

- Business education, resources, tools
- Keeping it Safe- Presentations
- Cops in Shops
- Plain Clothes Surveillance
- Party Patrols
- Gator Aid

Thank you

- Montgomery County Police
- Montgomery County Department of
Liquor Control