

# Alcohol and Tobacco Compliance Check Program Fiscal Year 2011



## 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.

## Findings

While compliance for underage alcohol sales fell (1%) from 80% in 2010 to 79% in 2011, there was a positive (21%) rise in compliance for sales to intoxicated individuals, from 48% in FY2010 to 69% in FY2011. Total alcohol compliance rates rose (1%) from 78% in 2010 to 79% in 2011.

## Fiscal Year 2011 Alcohol Compliance Check Results:

Compliance Checks for Underage Alcohol Sales	Number Checked	Number Sold	Compliance Rate
	400	83	79%

Complaint Driven Compliance Checks for Sales to Intoxicated Individuals	Number Checked	Number Sold	Compliance Rate
	44	14	69%

Compliance Checks for Keg Registration	Number Checked	Number Sold	Compliance Rate
	10	0	100%

Total Alcohol Compliance Checks	Number Checked	Number Sold	Compliance Rate
	454	97	79%

## Protocol

Maintaining a consistent protocol is the basis of a successful compliance check program. All underage volunteers 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.

## Antidotes

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 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. As in FY 2010, tobacco sales were found to be higher among young female purchasers than among males. With 54 tobacco buys made illegally among 15 female under age volunteers; and 9 illegal tobacco purchases made by 17 male under age volunteers. Compliance was up 8% from 71% in FY2010 to 79% in FY2011.

### Fiscal Year 2011 Tobacco Compliance Check Results:

Compliance Checks for Underage Tobacco Sales	Number Checked	Number Sold	Compliance Rate
	300	63	79%

#### Partner's Include:

Montgomery County  
State's Attorney's Office



Montgomery County  
Police Department



Montgomery County  
Sheriff's Department



Montgomery County  
Department of Liquor Control

