

Licensees Be On **Alert**

By Alan Forester, CPA, Esq.

ABC is stepping up its efforts to prevent underage drinking. Starting July 1, 2006, ABC gave grants to local law enforcement to use underage decoys to catch licensees who furnish alcohol to minors.

Under the ABC "Minor Decoy Program" minors are directed by local law enforcement to attempt to purchase alcohol. If the minor is sold alcohol, the police enter the premises and the minor will make a face-to-face identification of the seller. According to the Business and Professions Code Section 25658(b)(3), a person who furnishes or sells alcohol or causes alcohol to be furnished or sold to a minor is guilty of a misdemeanor and subject to a fine up to \$1,000 or even imprisonment in county jail.

A licensee can be criminally liable if he furnishes alcohol to a minor. Even if the licensee does not knowingly furnish alcohol to a minor, a licensee may be liable if his employees do so, under respondeat superior. Furthermore, even if the licensee is found not guilty of a criminal offense, ABC may still suspend or revoke the liquor license. A licensee also may be disciplined by ABC for unlawful acts of employees while engaged in conduct and operation of the business, even though the licensee did not authorize them and did not have actual knowledge of the activities.

Under the ABC "Decoy Shoulder Tap Program" minors solicit adults to purchase alcohol for them outside retail outlets. A minor working with law enforcement will approach an adult outside an alcohol outlet and request that the adult purchase alcohol for them. If the adult then purchases

alcohol for the minor, law enforcement will arrest the adult. Licensees who knowingly permit adults to purchase alcohol for consumption by minors may be cited as well.

Here are some ways you can protect yourself:

1. Always ask for identification and have equipment to scan drivers' licenses and identification to verify age and authenticity of the identification. Under Section 141(3), minor decoys may not use false identification when attempting to purchase alcohol.
2. Ask the purchaser his or her age. Under the requirements of Section 141(4), the minor decoy must answer truthfully any questions about his or her age.
3. Closely examine the identification card of the purchaser and make sure that person's physical characteristics match the identification card.
4. Always have a clearly posted sign stating that you must be 21 years old to purchase alcohol and identification is required, in 36 point font or larger.
5. If someone is buying a large quantity of alcohol, remind them that furnishing alcohol to a minor is a crime
6. Watch for minors mingling outside your establishment. Warn minors that if they solicit alcohol from a stranger, you will call the police.



Alan Forester
Attorney at Law/CPA/RE Broker

Alan Forester

CPA, Attorney, Former Cal-Stat University Professor & Former Government Auditor

SPECIALIZING IN:

- Hearing
- Appeals
- Conditional Use Permits
- Business Disputes
- Incorporations
- Limited Liability Companies
- Taxes-IRS
- F.T.B. Board of Equalization & EDD
- Audits and Nevada Corporations

WE BUY AND SELL LIQUOR LICENSES

Law Offices of Alan Forester

CALL STATEWIDE TOLL FREE

1 (877) LIQUOR-8 (547-8678)

VISIT OUR WEBSITE AT

WWW.ABCLAWYER.COM

WWW.ABCATTORNEY.COM

EMAIL:

ABCLAWYER@AOL.COM

Messages

Northern California (415) 297-3231

Southern California (310) 497-3897

Sacramento (916) 548-5595