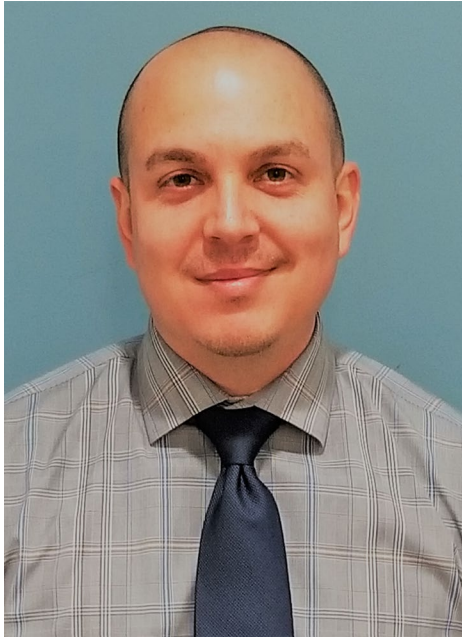


# COMMON ABC VIOLATIONS AND HOW TO AVOID THEM



# PRESENTERS



Jason Peru  
ABRA – Supervisory Investigator  
Jason.Peru@dc.gov | (202) 442.6038



Sarah Fashbaugh  
ABRA – Community Resource Officer  
Sarah.Fashbaugh@dc.gov | (202) 397.3971



# AGENDA

- ABRA Overview
- Violations
  - Normal Operations
  - Phase Two
  - Other
- Types of Inspections
- Best Practices
- Q&A

# ABRA OVERVIEW



- The **Alcoholic Beverage Regulation Administration (ABRA)** is an independent agency within DC Government charged with supporting the public's health, safety and welfare through the control and regulation of the sale and distribution of alcoholic beverages and medical cannabis.
- ABRA does not regulate any type of establishment that does not have an alcohol or medical cannabis license.
- ABRA does not regulate patrons of businesses.

# ABRA OVERVIEW



All alcohol licensees are required to comply with:

- *DC Official Code Title 25: Alcoholic Beverage Regulation Administration*
- *DC Municipal Regulations Title 23: Alcoholic Beverages*
- Mayor's Orders
- ABC Board Orders
- Settlement Agreements
- Terms of their license



# PENALTY SCHEDULE

- Secondary Tier violations:

- **First** | Written warning or \$250-\$500
- **Second within Two Years** | \$500-\$750
- **Third within Three Years** | \$750-\$1,000
- **Fourth within Four Years** | \$1,000-\$2,000
- **Fifth within Five Years** | \$2,000 minimum

- Primary Tier violations:

- **First** | \$1,000-\$2,000
- **Second within Two Years** | \$2,000-\$4,000
- **Third within Three Years** | \$4,000-\$6,000
- **Fourth within Four Years** | License suspension or revocation for up to 30 consecutive days and fined \$30,000 or more
- **Fifth within Five Years** | Mandatory license revocation

# VIOLATIONS

NORMAL OPERATIONS | PHASE TWO | OTHER



# NORMAL OPERATIONS

- **No owner or ABC Manager on duty | Secondary**
  - A person holding an ABC Manager License, in the absence of the owner, must be on duty and on premises during business hours to legally sell and serve alcohol.
  - Any staff member, such as a floor manager, bartender, host, or waiter, may hold an ABC Manager license.
  - ABC Manager licenses are issued to and maintained by the person named on the license for the entire licensure period. Licenses are valid for three (3) years.
  - Details and applications available at [abra.dc.gov/service/abc-manager-licenses](https://abra.dc.gov/service/abc-manager-licenses).
  
- **Failure to post ABC license, window lettering, and warning signs | Secondary**
  - Signage must be unobstructed and visible to patrons.
  - Additional warning signs may be made available upon request and are offered in seven (7) languages.



# NORMAL OPERATIONS



- **Violation of a Settlement Agreement | Secondary**
  - Once approved, the terms of a Settlement Agreement are attached to the license and remain in effect, unless amended or terminated, for the life of the license. If the license is sold, the new owners are bound by its terms.
  - Amendments to Settlement Agreements may be submitted at any time with signatures from all the original parties. Alternately, a licensee can request an amendment or the termination of a Settlement Agreement during a renewal period—without the consent of the other party—if the agreement has been in effect for at least four years from the date it was approved by the ABC Board.
  - Settlement Agreements for the most recent three (3) years are available using our Records Search tool.
  - Additional details available at [abra.dc.gov/page/settlement-agreements](https://abra.dc.gov/page/settlement-agreements).
  
- **Failure to have the kitchen facilities open for food service (2) hours prior to closing | Secondary**
  - Applies to restaurant licenses only.



# NORMAL OPERATIONS

- **Failure to obtain an endorsement | Secondary**
  - Endorsements and permits provide extra permissions that a licensee can request to be added to their alcohol license. Examples include sidewalk cafes, summer gardens, and entertainment.
  - Available license endorsements and permits, and respective applications, are available at [abra.dc.gov/page/endorsements-and-permits](https://abra.dc.gov/page/endorsements-and-permits).
  
- **Failure to file reports or statements | Secondary**
  - Alcohol licensed hotels and restaurants, and caterers are required to file statements detailing sales receipts and total expenses for food and alcohol every three (3) months and six (6) months respectively.
  - Filing trainings are hosted throughout the year. Events are detailed at <https://abra.dc.gov/page/abc-trainings>.
  
- **Failure to meet food sales requirements | Secondary**
  - Applies to restaurants, hotels, and caterers licenses only.

# NORMAL OPERATIONS

- **Operating after ABC Board-approved hours | Primary**
  - Approved hours of operation for all licensed parts of an establishment, including sidewalk cafés and summer gardens, are detailed on all alcohol licenses.
  - Any change in hours must be approved by the ABC Board in advance. Change of Hours Applications are available at [abra.dc.gov/node/674772](https://abra.dc.gov/node/674772).
  
- **Substantial change in operation without ABC Board approval | Primary**
  - ABC Board approval is required for all changes in operation that could be considered “substantial”, such as a change in hours or adding additional seating.
  - Requests must be by submit an *ABC License Application* and select “Substantial Change” in Box 6. Applications are available at <https://abra.dc.gov/node/1107381>.



# NORMAL OPERATIONS

## ○ **Sale to a minor | Primary**

- Alcohol may only be sold or served to persons at least 21 years of age.
- When in doubt, do not serve alcohol.
- ABRA makes available free *ID Checking Guides* upon request.
- ABRA offers free *ID Compliance* training bi-monthly. Details <https://abra.dc.gov/node/1080122>. The next training is scheduled for November 16 at 10:00 a.m.

## ○ **Failure to keep books and records on-premises | Primary**

- Licensees must maintain books and records on-site for transactions from the past three (3) years.
- Requests to store records off-site must be approved by the ABC Board. Applications are available at <https://abra.dc.gov/node/1503361>. Licensees must provide off-site records to ABRA staff within three (3) days of a request.

# PHASE TWO

- **Noise | Secondary**
  - On-premises licensees must keep music and sound at a conversational level.
  
- **Operating afterhours | Primary**
  - The sale and consumption of food and alcohol on-premises is limited to 6:00 a.m. to midnight, daily.
  - Food may be sold after midnight, but all patrons must purchase it for off-premises consumption.
  - Extended hours programs, such as Holiday Extended Hours, do not apply during Phase 2.
  
- **Employees not wearing face masks/coverings | Primary**
  - All employees, including kitchen staff, must wear face coverings/masks at all times.

# PHASE TWO



- **Patrons standing while consuming food or alcohol | Primary**
  - All on-premises dining must be seated. Guests may not be served food or beverages for on-premises consumption while standing.
  
- **Parties not seated at least six (6) feet apart | Primary**
  - When seated, patrons must be distanced six (6) feet from other parties.
  - No more than six (6) patrons may be seated at the same table.
  - Communal tables may be used if parties are seated at least six (6) feet apart from one another and divisions are clearly marked.
  - Plexiglass and other barriers may not substitute for distance requirements.
  
- **Patrons seated at a bar being staffed by a bartender | Primary**
  - Guests may only be seated at bars not being staffed or utilized by bartenders.

# PHASE TWO



- **Offering live entertainment | Primary**
  - No live music or entertainment, including DJs, trivia, or drag shows, is permitted.
  - TVs may be played on outdoor private space, but the sound is not to exceed a conversational level.
  - Activities that require guests to be in close contact, such as bowling, bocce, darts, pool, and dancing, are prohibited.
  
- **Failure to implement a reservation system | Primary**
  - Licensees must implement a reservation system—online, by phone or text, or in-person—or a combination.
  - Contact information for at least one (1) person per party must be collected and maintained for at least 30 days.
  
- Phase Two guidelines are located at [abra.dc.gov/page/covid-19](https://abra.dc.gov/page/covid-19).



# OTHER | NOISE

- ABRA enforces noise compliance from licensed premises pursuant to DC Official Code § 25-725.
- Investigators respond to complaints submitted by the public, and routinely monitors establishments with repeat noise violations and complaints. Additionally, ABRA participates in the Noise Task Force with DCRA and MPD.
- Current law requires ABRA investigators to enter a complainant's residence to substantiate a noise violation in residentially zoned areas.
- Some Settlement Agreements extend noise protections into other types of zones.



# OTHER | SECURITY PLANS & CAMERAS



- A **Security Plan** is a document that details security procedures for an establishment. All included stipulations must be adhered to.
  - All nightclub applicants must submit a security plan with their application.
  - The ABC Board may require restaurant, tavern, or multipurpose facility applicants/licensees to submit a security plan.
- Security cameras are routinely incorporated into security plans and added independently to establishments. If added:
  - Cameras must be operational at all times.
  - Footage capturing a crime of violence or a crime involving a gun must be preserved for a minimum of 30-days.
  - Copies of any footage requested by ABRA or MPD must be provided within 48-hours.



# INSPECTIONS & COMPLAINTS





# INSPECTIONS

- **Final** | Conducted by appointment at newly licensed establishments
  - Confirm required signage and documentation are correct and posted as required.
  - Confirm seat count matches alcohol license, certificate of occupancy, and DDOT permits
  - Ensure the establishment is ready to open for business.
  - Answer any questions.
- **Regulatory** | Conducted at random at least twice annually to confirm ongoing compliance.
  - May take place anytime during operating hours and are unannounced.
  - Required any time an investigator visits an establishment in response to a complaint.
  - Access to an establishment must be provided to ABRA investigators upon request.
- **Courtesy** | Conducted by appointment upon request from licensee
  - Licensees may request an ABRA investigator visit their licensed premises to make a determination on compliance.



# COMPLAINTS

- Many investigations stem from a complaint submitted by the public. Investigators must be able to personally substantiate a reported violation to cite a license.
- Complaints may be submitted by:
  - Phone | (202) 329-6347, 7:00 p.m. – 4:00 a.m., daily
  - Online | [abra.dc.gov/service/filing-complaint-abra](https://abra.dc.gov/service/filing-complaint-abra)
  - Email | [abra.enforcement@dc.gov](mailto:abra.enforcement@dc.gov)
- For reoccurring concerns such as noise and trash, complainants may request ABRA investigators conduct an inspection at a specific date and time.
- For noise complaints, ABRA investigators must be granted permission to enter the complainant's residence to be able to substantiate a noise violation in residentially zoned areas. This requirement applies regardless of the time of day.

# BEST PRACTICES





# BEST PRACTICES

- **Set and follow last calls** | Ensure all staff has a shared understanding of what and when last call is and how to execute.
- **Post signage clearly** | Suggested signage include respecting neighbors when exiting and emergency contacts.
- **Update and review employee manuals with team** | Manuals should reflect alcohol and health law changes.
- **Regularly attend ANC and community group meetings** | Establishing a strong working relationship with neighbors can go a long way.
- **Subscribe to ABRA's newsletter and e-updates**
- **Ask before you act** | Contact ABRA to vet ideas/changes in operation prior to implementing them.
- **Require staff—specifically new team members—to attend trainings** | ABRA offers free trainings throughout the year.

# CONTACT INFORMATION





# STAY CONNECTED

- **Staff** | ABRA's physical office remains closed to the public but staff is available to answer questions Monday-Friday, 8:30 a.m. - 4:00 p.m.
  - **Licensing** | [abc@dc.gov](mailto:abc@dc.gov) or (202) 442-4423
  - **Enforcement** | [abra@dc.gov](mailto:abra@dc.gov) or
    - Daytime: (202) 442-4423
    - Evening: (202) 329-6347
- **Social** |
  - **Facebook** | [facebook.com/ABRADC](https://facebook.com/ABRADC)
  - **Twitter** | [@DCGov\\_ABRA](https://twitter.com/DCGov_ABRA)
- **Last Call e-Newsletter and Email Alerts** | Subscribe to receive.

[abra.dc.gov/service/sign-abra-email-updates](https://abra.dc.gov/service/sign-abra-email-updates)



QUESTIONS?

