

**Alcoholic Beverage Control Board
City of Baton Rouge and Parish of East Baton Rouge**

Rules and Procedures

&

Fine Schedule

Revised 01/27/09

**PROCEDURES AND RULES CONCERNING ADMINISTRATIVE HEARINGS
BEFORE THE ALCOHOLIC BEVERAGE CONTROL BOARD
FOR THE CITY OF BATON ROUGE AND THE PARISH OF EAST BATON ROUGE**

PROCEDURE

- Recognition of spokesperson or representative.
- Reading of complaint or basis for opposition.
- Determination if applicant/license holder is to be offered a private hearing. (This offer to be made only in the following cases: (1) If the applicant/license holder has criminal charges pending relative to the same matter before the Board or (2) If the applicant/license holder has an arrest record that will be discussed and considered, however, if only convictions are to be discussed, applicant/license holder will not be entitled to a close hearing.)
- Presentation of information upon which the opposition or complaint is based.
- Questioning by Board members, after being recognized in alphabetical order, of each person speaking before the Board under item #4 herein upon completion of that person's statement.
- Presentation of information on behalf of applicant/license holder.
- Questioning by Board members of each person speaking before the Board under item #6 herein in the same order as described in item #5.
- Rebuttal by complainant/opponents.
- Summation of evidence presented on behalf of applicant/license holder.
- Summation of evidence presented on behalf of complainant or opposition.
- Discussion (Board members only). At this point a person previously appearing before the Board may be recalled by the Board for the sole purpose of clarifying a previous statement. No new charge, statement or allegation not previously heard may be made.
- Reopening to public if hearing was closed.
- Voting on complaint or opposition by individual charge to determine justification of same.
- Motion of Board action to be taken and discussion of same.
- Voting on Board action .

PROCEDURES & RULES CONCERNING ADMINISTRATIVE HEARINGS

RULES

1. A list of names and addresses of those persons appearing on behalf of the opposition/complainant and applicant/license holder must be presented to the Director prior to the beginning of the meeting in which the hearing will be held.
2. All statements and testimony must be directed to the Board and must be relevant to the matter being heard.
3. No statements will be made unless the person wishing to make a statement is first recognized by the Chairman or Director.
4. A time limit on each procedural step may be set by the Chairman or Director provided each side is afforded equal time.
5. No statements of a personal, threatening, inflammatory or derogatory nature toward the Board, its members and staff or the opposing side will be permitted.
6. Only those statements testimony and evidence pertinent to the subject matter and stated in the formal petition or complaint will be heard by the Board, unless by vote of two-thirds (2/3) of the Board members present additional pertinent data may be heard.
7. Any person causing a disturbance, disrupting or failing or refusing to comply with the Procedure and Rules as set forth herein may be ejected from the hearing upon the order of the Chairman or Director.
8. The Board shall have the right to sequester persons testifying before the Board if the Chairman or Director considers sequestration to be in the best interests of the hearing.
9. The Administrative Prosecutor has the authority to grant one (1) continuance prior to the hearing.

Adopted - A.B.C. Board
11/10/81
Amended - 1/8/09

HEARING PROCEDURE

(Licensee Admits that the Violation Occurred)

10. Chairman initiates hearing by reading citation.
11. Chairman requests that Administrative Prosecutor and/or Licensee and his counsel, if any make appearance giving name, address and relationship to licensee.
12. Chairman calls on Licensee and/or legal counsel to admit or deny that violation occurred. (If Licensee not represented, Licensee will be sworn in.)
13. Chairman accepts admission and calls upon Administrative Prosecutor to present brief evidence to the Board as to the factual basis for the admission. Licensee or his legal counsel may cross examine or ask questions of the witness. The Chairman shall allow members of the Board to ask brief questions of the witness. The Board may allow Licensee or his attorney to re-cross any witness if in the opinion of the Board, new testimony is elicited by Board Member's questions.
14. If the Licensee desires to place evidence before the Board of mitigation, the Chairman shall allow brief evidence of mitigation. The Administrative Prosecutor shall be allowed to cross examine any mitigation witnesses. The Board shall also be entitled to ask brief questions of the mitigation witness(es).
15. After Section 4 and 5 are completed, the Chairman shall declare that a motion is in order. The Chairman should recognize a Board Member who desires to make a motion, seek a second to the motion, allow Board Members to discuss the motion and accordingly vote, announce the result and proceed to the next agenda matter.

Note: Section 4 and 5 are envisioned to be brief to get the gist of the violation and what mitigation evidence the Board needs to craft a penalty for the violation.

Adopted - A.B.C. Board

10/25/07

HEARING PROCEDURE

(Licensee Does NOT Admit that the Violation Occurred)

1. Chairman initiates hearing by reading citation.
2. Chairman requests that Administrative Prosecutor and/or Licensee and his counsel, if any make appearance giving name, address and relationship to Licensee.
3. Chairman calls on Licensee and/or legal council to admit or deny that violation occurred. (If Licensee not represented, Licensee will be sworn in.)
4. Chairman accepts denial and calls upon Administrative Prosecutor to present the case against the Licensee. Chairman invites Administrative Prosecutor to call his witnesses. Upon calling a witness, the Administrative Prosecutor conducts direct examination of the witness. Upon completion by the Administrative Prosecutor, the witness is tendered to the licensee or his counsel for cross examination. At the completion of the cross examination by Licensee or his counsel, the Chairman shall recognize those Board Members desiring to question the witness. The Board may allow the Licensee or his attorney to re-cross any witness if in the opinion of the Board new testimony is elicited by Board Member's questions. This questioning's main purpose is to alleviate any confusion existing in the minds of the Board Members or to amplify a matter not fully explained to the Board Member's satisfaction. Once the Board Members complete the examination of the witness, the witness should not be recalled without permission of the Chairman or a majority of the Board. This procedure shall be followed until all witnesses called by the Administrative Prosecutor have been heard.
5. At the conclusion of the Administrative Prosecutor's case, the Licensee or his counsel shall be allowed to present evidence as to the issue of the occurrence of the violation and evidence of mitigation, in the event that the Board finds that the violation occurred. The Licensee shall call his witnesses and conduct direct examination of the witnesses. Direct examination shall mean asking questions of the witness and not engaging in argument or back and forth discussions. The Administrative Prosecutor shall be allowed to cross examine the Licensee's witnesses. At the conclusion of the cross examination of the Administrative Prosecutor, the Chairman shall recognize those Board Members who desire to ask questions of the witness. The scope of this questioning is the same as in Section 4 above. The procedure shall be followed until all witnesses called by the Licensee have been

heard. The witnesses should likewise not be recalled as outlined in Section 4 above.

6. At the conclusion of the Licensee's case, the Administrative Prosecutor shall be allowed to call rebuttal witnesses. These witnesses shall be limited in scope so as to rebut the testimony or evidence introduced by the Licensee in the Licensee's case. The questioning of witnesses shall be in accordance with the procedure set forth in Sections 4 and 5. (i.e. the Administrative Prosecutor calls the witness, direct examination of the witness is completed, cross examination of the witness by Licensee and Board Member's questioning after recognition by the Chairman. Re-cross may be allowed by the Board if new testimony is elicited by Board Members' questions.)
7. At the conclusion of the rebuttal, the Chairman shall allow brief closing arguments by the Administrative Prosecutor and the Licensee or his legal counsel. The Chairman may limit the time allowed due to time constraints.
8. After closing arguments, the Chairman shall declare the hearing concluded. This shall signify to the Board that a motion to find that the violation has or has not occurred is in order. The Chairman may recognize a Board Member to make such a motion. Upon the second of the motion, the Chairman shall allow the Board Members to discuss the motion. After the Board's discussion of the motion, the chairman shall have the secretary conduct a roll call vote if there is any objection to the motion. If the motion is made to find that no violation occurred and that motion passes, the Chairman shall declare the matter concluded. If the motion is to find that the violation occurred and the motion is successful, the Chairman may recognize a Board Member to make a motion for the penalty for the violation. Once a second to the penalty motion is had, the Chairman shall allow the Board Members to discuss the motion. After the Board's discussion of the motion, the Chairman shall proceed to direct the secretary to conduct a roll call vote if there is any objection to the motion. At the conclusion of the vote, the Chairman shall announce the result of the vote and the penalty imposed and declare the matter concluded.

Adopted - A.B.C. Board
10/25/07

Alcoholic Beverage Control Board

City of Baton Rouge and Parish of East Baton Rouge

RULE I

Adopted January 21, 1993

By unanimous vote of the members present at this meeting, the ABC Board adopts the following procedures and guidelines to be used for conducting meetings:

1. Follow Roberts Rules of Order
2. A quorum must be present by 4:45 p.m. or the meeting may canceled.
- 3. The board chairman can sit in to make a quorum and vote to break a tie (as included in Roberts Rules of Order). Deleted**
4. In the event that the chairman and vice chairman are not present the remaining board members shall elect a temporary chairperson.

AMENDMENT

Adopted May 12, 2005

Amending Rule I, adopted January 21, 1993; adding: Item 4.

AMENDMENT

Adopted August 25, 2005

Amending Rule I, adopted January 21, 1993; delete Item 3.

AMENDMENT

Adopted January 22, 2009

Amending Rule I, adopted January 21, 1993; delete “will be” and add “may” to Item 2.

RULE II

Adopted February 4, 1993

On November 10, 1992 the Metropolitan Council adopted Section 6.A.9 of the Wine, Beer and Liquor Ordinance which concerns the prohibition of exotic dancing in the City-Parish. However, this section specifically exempt those businesses operating with licensed exotic dancers at the time this section was adopted.

The ABC Board recognizes the following establishments as exempt from this prohibition, as they were operating with licensed exotic dancers at the time Section 6.A.9 was adopted:

1. Audrey's Sugars, 7905 Tom Drive
2. The Gold Club, 4622 Bennington Avenue
3. The New Entertainers, 5755 Airline Highway
4. The Penthouse, 4450 Airline Highway
5. Texas Dance Hall, 456 North Donmoor

AMENDMENT

Adopted April 1, 1993

Amending Rule II, adopted on February 4, 1993 to include and recognize the following establishment as exempt from Section 6.A.9 (Prohibition of Exotic Dancers) of the Wine, Beer and Liquor Ordinance, as this business was operating with licensed exotic dancers at the time Section 6.A.9 was adopted:

6. George's Place, 860 St. Louis Street

AMENDMENT

Adopted March 6, 1997

Amending Rule II, adopted on February 4, 1993 to include and recognize the following establishment as exempt from Section 6.A.9 (Prohibition of Exotic Dancers) of the Wine, Beer and Liquor Ordinance, as this business was operating with licensed exotic dancers at the time Section 6.A.9 was adopted:

7. Club Legends, 2645 Florida Boulevard

RULE III

Adopted October 7, 1993

By unanimous vote of the members present at this meeting, the ABC Board adopts the following procedures and guidelines to be used for filing/accepting opposition to Notice of Intent applications.

NOTICE OF INTENT OPPOSITION GUIDELINES

When a member of the ABC office receives a phone call regarding the filing of opposition to a notice of intent application, the following guidelines need to be followed:

1. Get the opponent/caller's name, address and phone number.
2. A letter/memo will be sent to the opponent with these guidelines listed.
3. The cover sheet of the opposition petition must be notarized and state specific reasons for the opposition in accordance with Section 3.A of the Wine, Beer and Liquor ordinance. The opposition statement must appear on each page of the petition.
4. The opposition petition must be submitted to the ABC Office by 5:00 p.m. on the final day of posting (15th day). **Amendment adopted 8/9/07 - must be filed by the close of business**
5. Upon receipt of the opposition, an ABC investigator will request a print-out from the police department listing police calls and disturbances at the business and the surrounding area **during the last year a license was issued at this location.**
6. A hearing will be scheduled to hear the opposition at the ABC Board meeting at the earliest date possible (allowing time for sufficient notification to the applicant and the opposition).
7. A letter will be sent to the license applicant, informing him/her of the opposition and the scheduled hearing. A copy of the opposition petition will be sent with this letter.
8. A letter will be sent to the opposition spokesperson notifying them of the hearing date.

9. Copies of the petition and the letters concerning the hearing will be sent to the council member in whose district the business is located.

AMENDMENT

Adopted December 5, 1996

Amending Rule III, adopted on October 7, 1993 to allow the director, assistant director or the attorney for the ABC Office, or their designee to have authority to review and decide if opposition filed against a notice of intent application meets the criteria of the ordinance and dispose of any opposition that the board cannot consider.

RULE IV

Adopted November 21, 1996

By unanimous vote of the members present at this meeting, the ABC Board adopts the following procedure to be used for handling individual license holders who fail to pay fines and/or penalties for violations:

When the payment of a fine is not made by the deadline and the violator fails to appear before the board, the ABC Office will administratively send a letter to each violator informing him/her that no new license or permit can be obtained until all outstanding fines and penalties are paid.

RULE V

Adopted December 5, 1996

By unanimous vote of the members present at this meeting, the ABC Board adopts the following Board Rule and amends the Class III Offenses under the Fine Schedule for violations of Section 7.A.10 and Section 7.A.13 of the Wine, Beer and Liquor Ordinance to read as follows:

Businesses or individuals charged with a *first offense* violation of Section 7.A.10 will be allowed the option of admitting to the violation and paying the ***\$250** fine without a board appearance, or contesting the violation and appearing before the board for a hearing, with implementation of the fine and any other action the board deems appropriate if found guilty of said violation. ***Amendment adopted 4/10/08.**

Businesses or individuals charged with a *first offense* violation of Section 7.A.13 who sell to 18, 19 or 20 years old will be allowed the option of admitting to the violation and paying the *applicable* fine without a board appearance, or contesting the violation and appearing before the board for a hearing, with the implementation of the fine and any other action the board deems appropriate if found guilty of said violation.

If these violations involve persons *under* 18 years of age, a board hearing is required.

AMENDMENT

Adopted June 3, 1999

Amending Rule V, adopted December 5, 1996, when a business or individual is charged with a violation of Section 7.A.10. and sells to persons 18, 19, or 20 years old, the amount of time used to consider a violation as a second offense is extended to two years from the date of the first violation.

REPEAL OF AMENDMENT

Adopted June 27, 2002

Repeal of amendment to Rule V, adopted June 3, 1999 that extended the amount of time from one year to two years used to consider a violation as a second offense in order to remain consistent with existing Responsible Vendor/Server Training laws which uses the time frame of a one year period to determine compliance.

AMENDMENT

Adopted June 27, 2002

Amending Rule V, adopted December 5, 1996, except for violations of 9.B. of the Wine, Beer

and Liquor Ordinance, the ABC Director or his designee shall have authority to warn the vendor with the option to fine.

AMENDMENT

Adopted March 22, 2007

Amending Rule V, adopted December 5, 1996, deleting \$150 from line three and adding the word *applicable*.

RULE VI

Adopted February 20, 1997

By unanimous vote of the members present at this meeting, the A.B.C. Board adopts the following procedures and guidelines to be used by the ABC Office to issue refunds to license applicants.

License Refund Procedures

No refunds will be issued to anyone who has attended class, whose license has already been issued and received, or to anyone issued a temporary permit. Any exceptions to these guidelines must be *approved in writing* by the Director or Assistant Director. The following procedures will be followed when issuing a refund to an applicant for classified employee, retail clerk, exotic dancer or model licenses:

1. Refunds will be given only to the person who applied for the license (no relatives, friends, etc. can get a refund for the applicant).
2. The applicant must appear in person at the A.B.C. Office to get the refund. (Refunds cannot be mailed.)
3. A cash refund receipt must be obtained with the signature of the applicant and the approving supervisor. This receipt must show the applicant's name, address, phone number and the original license number.
4. When a request is made for a refund, office personnel will:
 - * pull the original application
 - * fill out the cash refund receipt (copy attached)
 - * give these items to a supervisor for review.
5. The supervisor must verify that the application has been paid and the refund request is valid.
6. **All** refunds must have a supervisor's *written* approval.
7. The A.B.C. accountant or the clerical supervisor (in the accountant's absence) will issue a petty cash voucher for the refund.
8. Once the refund is given, the log book and computer will be marked with the date and "refund". The license number will be voided in the log book and the original application given to the A.B.C accountant.

9. The A.B.C. accountant will attach the original application to the copy of the petty cash voucher along with a copy of the cash refund receipt. This information will be retained in a file for auditing purposes.
10. The original cash refund receipt must be attached to the original petty cash voucher and retained by A.B.C. for submission to Finance.
11. A.B.C. personnel will submit the paperwork to Finance to have the petty cash account reimbursed from the proper license account.

RULE VII

Adopted April 3, 1997

By unanimous vote of the members present at this meeting, the ABC Board adopts and authorizes the ABC Office to charge a \$5 fee for the issuance of all temporary or duplicate licenses to applicants for Class A and Class B employee licenses.

RULE VIII

Adopted May 11, 2000

By unanimous vote of the members present at this meeting, the ABC Board adopted the following Board Rule, relating to documentation required for verification of food and alcohol sales percentages for the issuance of a Class R-Permit.

1. Submit Income Statement for reporting period, prepared and signed by accountant or bookkeeper upon request.
2. Maintain and submit daily sales report showing a breakdown of food sales and alcoholic beverage sales. * Supporting cash register tapes and/or individual sales tickets for all items sold (food, food deliveries, non-alcoholic beverages and alcoholic beverages) must be kept and made available upon request.
3. Purchase receipts for food, non-alcoholic beverages and alcoholic beverages must be made available upon request from the ABC Office. These receipts must include the vendor's name, vendor's address, items purchased, quantity purchased, dollar amount of purchase and be clearly distinguishable.

AMENDMENT

Adopted June 27, 2002

Amending Rule VIII, adopted May 11, 2000, item 2, adding: *Food sales on premises and pickup/delivery/catered sales are to be maintained separately.

RULE IX
Adopted May 10, 2001

By unanimous vote of the members present at this meeting, the ABC Board adopts the following Board Rule and amends the Class II Offenses under the Fine Schedule for violations of 7.A.4. of the Wine, Beer and Liquor Ordinance to read as follows:

Businesses or individuals charged with a second offense of Section 7.A.4. within a one year period shall require a mandatory Board appearance.

RULE X

Adopted October 24, 2002

By unanimous vote of the members present at this meeting, the ABC Board adopts the following Board Rule. Pursuant to Section 7.A.10 of the Wine, Beer & Liquor Ordinance requiring pictured lawful identification to purchase alcohol the following rule was adopted:

A record of all keg sales, new and exchanges shall be kept on premises for inspection anytime by ABC investigators or other law enforcement officers conducting an official investigation. This record shall include date of purchase, the name and signature, address, valid I.D. number, date of birth of the individual purchasing and/or exchanging a keg and the name of the sales clerk.

RULE XI

Adopted July 22, 2004

By a vote of 4 yeas to 3 nays of the members present at this meeting, the ABC Board adopts the following Board Rule. Pursuant to Section 7.A.4 of the Wine, Beer & Liquor Ordinance, delinquent sales taxes and/or tax owed to the City of Baton Rouge and/or the Parish of East Baton Rouge, the following rule was adopted:

A fee of \$35 shall be charged for all subpoenas served by an ABC Investigator to any business that has delinquent sales taxes and/or tax owed to the City of Baton Rouge and/or Parish of East Baton.

AMENDMENT

Adopted July 28, 2005

Amending Rule XI, adopted July 22, 2004, to include Notice of Summons.

RULE XII

Adopted November 18, 2004

By unanimous vote of the members present at this meeting, the ABC Board adopts the following procedures and guidelines to be used by the ABC Office for the issuance of a Class A license to a reception hall. The reception hall shall be consistent with Class R license guidelines with the following provisions:

1. No temporary or permanent license will be issued to anyone applying for an alcohol license for a reception hall without prior board approval.
2. Licensed reception halls shall be limited to private parties only.
3. Licensed reception halls may not charge a cover charge or an admission fee for any functions.
4. No Class A Beer or Liquor Caterer is permitted to cater an event at which the caterer sells alcohol by the drink or charges a cover charge.

Amending Rule XII, adopted November 18, 2004. Amendment adopted June 8, 2006.

RULE XIII

Adopted February 10, 2005

By unanimous vote of the members present at this meeting, the ABC Board adopts the following procedures:

The ABC Office will notify the property owner where potential revocation of business license is possible.

RULE XIV

Adopted June 23, 2005

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

Any of the board's decisions that are appealed, the suspension, if it is not stated by the trial court judge, shall be served the next day following the date the judgement is final.

RULE XV

Adopted November 10, 2005

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

Upon suspension of a business license the business shall post notification of the suspension to the public. A poster will be posted by the A.B.C. Office and the business will be charged a \$10 fee in addition to any fines or penalties. The business must also post notification of the suspension in the newspaper stating his violation and must submit proof to the A.B.C. Office before license is reinstated.

RULE XVI

Adopted April 13, 2006

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

All permit/license holders shall establish a schedule of their customary drink prices every ninety (90) days and remain in effect during that ninety (90) day period, beginning May 1, 2006. Effective January 1, 2007, the schedule shall be maintained on a quarterly basis and a copy must be submitted to the ABC Office. The price list must be posted in a conspicuous location on the licensed premises.

AMENDMENT

Adopted April 27, 2006

Amending Rule XVI, adopted April 13, 2006, to include:

The “usual, customary, or established retail prices” shall be the same on all days of the week, not different prices on different days or different times of the day between 10:00 p.m. until 10:00 a.m.

AMENDMENT

Adopted July 6, 2006

Amending Rule XVI, adopted April 13, 2006 to include:

Deleting every ninety (90) day; adding every thirty (30) days, beginning the first of each month, effective August 1, 2006. A schedule of prices shall be available for inspection by the ABC Investigators.

RULE XVII

Adopted November 9, 2006

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

In the event there is no quorum of the ABC Board, the ABC Director shall have

the authority to approve employee licenses which have a felony conviction until the next meeting of the ABC Board when the matter can be ratified.

RULE XVIII

Adopted October 25, 2007

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

Prior to any discussion of criminal records, all agents and applicants testifying must first be sworn in.

RULE XIX
Adopted October 25, 2007

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

Upon request, copies of business applications and articles may be mailed with agendas to board members.

RULE XX
Adopted August 14, 2008

By unanimous vote of the members present at this meeting, the ABC Board adopts the following rule:

All electronic audio and video recording devices are hereby prohibited with the exception to court reporters and the ABC Office for the purpose of recording the ABC Board meetings.

RULE XXI

Adopted September 25, 2008

By unanimous vote of the members present at this meeting, the ABC Board adopts the following:

A Public Comment Section shall be listed as a permanent agenda item.

**Office of Alcoholic Beverage Control
City of Baton Rouge/Parish of East Baton Rouge**

**ABC Order
March 19, 1992**

The City of Baton Rouge and Parish of East Baton Rouge Alcoholic Beverage Control Board, sitting with Mr. Marcus Wright, Chairman presiding, was opened pursuant to adjournment and the following Fine Schedule and Rules were adopted.

**ABC FINE SCHEDULE
Effective APRIL 9, 1992**

Pursuant to East Baton Rouge Parish Code Title 1:150-152 which grants the ABC Board the authority to enforce all rules and regulations which are promulgated by the Board and levy any fine, it is ordered that the following Fine Schedule shall be established for the imposition and collection of fines and penalties to be assessed against applicants, permit holders or licensees who are found guilty of violations of the Wine, Beer and Liquor Ordinance and also in remaining consistent with maximum fines set forth in courts of proper jurisdiction, as set forth in Section 9.A of the Wine, Beer and Liquor Ordinance, hereby set the maximum fine that the ABC Board may assess for any violation at \$500.00.

**ABC Order
February 4, 1993**

The City of Baton Rouge and Parish of East Baton Rouge Alcoholic Beverage Control Board, sitting with Mr. Marcus Wright, Chairman presiding, was opened pursuant to adjournment and the following amendment to the ABC Fine Schedule was adopted.

**ABC FINE SCHEDULE AMENDMENT
Effective February 4, 1993**

Section 6.A.9 of the Wine, Beer and Liquor Ordinance, which prohibits exotic dancers, shall be included as a Class III Offense, effective immediately.

**ABC FINE SCHEDULE AMENDMENT
Effective April 1, 1993**

Section 1.A.2 of the Wine, Beer and Liquor Ordinance, which requires a Classified Employee license to be obtained by any person employed or used in a Class A or R licensed retail business who, as a function of their duties, dispense, sell or serve any alcoholic beverages, shall be included as a Class I Offense, effective immediately.

ABC Order

September 19, 1996

The City of Baton Rouge and Parish of East Baton Rouge Alcoholic Beverage Control Board, sitting with Mr. John C. Welborn, Jr. Acting Chairman presiding, was opened pursuant to adjournment and the following amendment to the ABC Fine Schedule was adopted.

ABC FINE SCHEDULE AMENDMENT

Effective September 19, 1996

Section 7.A.13 of the Wine, Beer and Liquor Ordinance listed as a cause for suspension or revocation of any license/permit for allowing or permitting persons under the age of 21 to possess or consume alcohol on the licensed premises, shall be included as a Class III Offense, effective immediately.

ABC FINE SCHEDULE AMENDMENT

Effective February 7, 1997

All citations issued for Class I, Class II or Class III offenses that allow for payment of the fine without a board appearance will be given 10 working days from the date the citation is issued to pay the fine. Fines that are not paid within the 10 days will be scheduled for a board hearing, assessed the \$50 late penalty, and assessed a \$35 "subpoena cost" for each subpoena issued in conjunction with the hearing. Fines may be paid after the 10 days, and prior to the hearing date, but they will be subject to the late penalty and subpoena costs. If the individual or business appears for the hearing, fines and penalty will be assessed, but the subpoena costs may be waived at the discretion of the board.

ABC FINE SCHEDULE AMENDMENT

Effective July 22, 2004

The ABC Office shall charge \$35 for all subpoenas served by ABC Investigators to any business that has delinquent sales taxes and/or tax owed to the City of Baton Rouge and/or Parish of East Baton Rouge.

ABC FINE SCHEDULE AMENDMENT

Effective June 9, 2005

Amendment to Class I and Class II Offenses of the Fine Schedule, adopted on June 9, 2005.

ABC FINE SCHEDULE AMENDMENT

Effective June 23, 2005

Amendment to Class III Offenses of the Fine Schedule, adopted on June 23, 2005.

ABC FINE SCHEDULE AMENDMENT

Effective May 1, 2006

Section 6.A.11 of the Wine, Beer and Liquor Ordinance thereto, relative to alcohol promotions, shall be included in Class I Offense, adopted on April 27, 2006.

ABC FINE SCHEDULE AMENDMENT

Effective April 10, 2008

Amendment to Class I and Class III Offenses of the Fine Schedule, adopted on April 10, 2008.

CLASS I OFFENSES

Wine, Beer and Liquor Ordinance

First Offense within one year—applicable fine, no board appearance required.

Second Offense within one year—double the applicable fine or maximum fine and board appearance required.

Third Offense within one year--\$500 maximum fine and board appearance required.

Fourth Offense within one year--Up to maximum \$500 fine and board appearance required.

Fifth Offense and all subsequent offenses, regardless of date--\$500 maximum fine and board appearance required.

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
1.A.2	Classified Employee license required	\$100
1.A.2.a	Retail Clerk license required	\$100
2.A	License required to be posted	\$100
2.B	Wholesaler required to verify permit	\$100
4.A	Failure to maintain all building and zoning codes	\$500
5.A	Hours of Operation	\$250
5.A.1	Sunday Sales - Class B	\$250
5.A.2	Sunday Sales	\$250
5.A.3	Sunday Sales - Hotels, Restaurants, Private Clubs and convention facilities	\$250
5.A.4	Sunday Sales - Non-profit organizations	\$100
5.A.5	Closing Hours - Bars and Lounges	\$500
5.A.5	(a) Closing Hours - Restaurants, grocery stores and drug stores	\$250
	(b) Sunday clean-up, inventory and minor maintenance	\$100
	(c) Removal of band equipment.	\$100
	(d) After hours work permit.	\$100
	(e) Sunday work permit.	\$100
6.A.2	Consumption on parking lot.	\$300
6.A.3	Unlicensed employees.	\$500
6.A.4	Persons aiding and abetting.	\$500
6.A.6	Consumption of alcohol by employees.	\$100
6.A.7	Provide off premises deliveries.	\$500
6.A.8	Offer alcohol to purchase motor fuel.	\$100
6.A.11	Alcohol Promotions	\$500

Revised 4/10/08

CLASS II OFFENSES

Wine, Beer and Liquor Ordinance

First Offense within one year--\$250 fine, no board appearance required.

Second Offense within one year--maximum \$500 fine and board appearance required.

Third Offense within one year-- maximum \$500 fine and board appearance required.

Fourth Offense within one year--maximum \$500 fine and board appearance required.

Fifth Offense, regardless of date--Board appearance required and maximum fine of \$500.

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
7.A.2	Misstatement of fact.	\$250
7.A.3	Interposed persons.	\$250
*7.A.4	Failure to pay taxes or fees.	\$250
7.A.6	Failure to notify police of disturbances.	\$250
7.A.7	Failure of an employee to comply with any provision of this ordinance.	\$250
7.A.8	Failure to cooperate with enforcement agents.	\$250
7.A.9	Serve an intoxicated person.	\$250

*See ABC Board Rule IX

Revised 6/9/05

CLASS III OFFENSES Wine, Beer and Liquor Ordinance

All Class III Offenses may require board appearance.

First Offense within one year–applicable fine. ***

Second Offense within one year–double applicable fine or maximum fine.

Third Offense within one year–maximum \$500 fine.

Fourth Offense within three years–maximum \$500 fine.

Fifth Offense, regardless of date–maximum \$500 fine

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
6.A.1*	Prohibited acts relative to violations of local, state, federal or international laws.	\$500
6.A.5	Operating without a permit.	\$500
6.A.9	Prohibition of exotic dancers.	\$250
7.A.10*	Failure to check for lawful identification.	\$250
7.A.11**	Allow under age persons on the premises.	\$350
7.A.13**	Allow persons under the age of 21 to possess or consume alcohol on the licensed premises.	\$500

* See ABC Board Rule V when the violation involves a sale to an 18, 19 or 20 year old.

** See ABC Board Rule V

*** See ABC Board Rule V Amendment when the violation involves a sale to an 18, 19 or 20 year old.

Revised 1/22/09

CLASS IV OFFENSES
Wine, Beer and Liquor Ordinance

All Class IV Offenses require board appearance.

Section 9.B of the Wine, Beer and Liquor Ordinance was amended by the Metropolitan Council on May 12, 1993, requiring mandatory suspensions and fines for unlawful sales of alcoholic beverages to minors. These fines will be assessed as a Class IV Offense.

First Offense--\$250 fine.

Second Offense within two years--\$500 fine.

Third Offense within two years--\$1,000 fine.

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
9.B	Unlawful Sales to Minors	\$250

CLASS V OFFENSES
Wine, Beer and Liquor Ordinance

All Class V Offenses may require board appearance

Section 9.C. of the Wine, Beer and Liquor Ordinance was adopted by the Metropolitan Council on March 10, 2004, which shall read as follows: Mandatory fines for unlawful sales of alcoholic beverages to persons age eighteen (18), nineteen (19) or twenty (20). These fines will be assessed as a Class V Offense.

First Offense--\$250 fine.

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
9.C.1	Any person selling or distributing alcoholic beverages to persons eighteen, nineteen, or twenty.	\$250

First Offense--\$750 fine.

Second Offense within one year--\$1,000 fine.

<u>Section</u>	<u>Violation</u>	<u>Fine</u>
9.C.2	Any violation selling or distributing alcoholic beverages to persons eighteen, nineteen, or twenty on the licensed premises.	\$750

It is further ordered that citations shall be issued to violators by ABC Investigators, listing

the violation and date to appear before the board. If the charges are contested the licensee shall at that time be afforded a hearing or may be granted another hearing date at the discretion of the Board.

It is further ordered that if a Board appearance is not required, an uncontested citation may be paid in person at the Office of Alcoholic Beverage Control, 10500 Coursey Blvd., Suite 202, Baton Rouge, LA, or by mail to:

Office of Alcoholic Beverage Control
City of Baton Rouge and Parish of East Baton Rouge
P. O. Box 1471
Baton Rouge, LA. 70821

*Payment must be by **certified check or money order** made payable to: **City of Baton Rouge** for the amount listed on the citation.*

*It is further ordered that any license holder who fails to appear on the date listed on the citation or pay the scheduled fine before the date of appearance listed on the citation shall result in an additional **penalty of \$50 and automatic suspension of said license/permit** until such fine is paid, unless an extension is given by the ABC Director or his designee in writing to the licensee.*

It is further ordered that the Director of the ABC Office shall publish and make appropriate dissemination of the current ABC Fine Schedule, which shall be observed unless revised by the ABC Board.

