

GOVERNOR'S MONTHLY REPORT

April 2016

(Revised 7/13/17)



STATE OF ARIZONA
DEPARTMENT OF LIQUOR LICENSES AND CONTROL

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The information reported in this document is used to keep the Governor and staff apprised of accomplishments, key issues, and upcoming events as they relate to the Department of Liquor Licenses and Control, and its three divisions (Licensing, Administration, and Investigations) on a monthly basis.

GRANTS & FUNDING
LIQUOR ENFORCEMENT & EDUCATION OUTREACH GRANT
CUB (COVERT UNDERAGE BUYER) PROGRAM

In an effort to curb the sale of liquor to underage persons, the Covert Underage Buyer (CUB) program was instituted in May of 2003. This program provides the resources necessary for the department to investigate reported complaints of liquor licensed businesses suspected of one or more underage liquor law violations. When there is reasonable suspicion to believe that a liquor-licensed establishment is selling liquor to underage customers, the department will send in a CUB to attempt to purchase liquor. CUBs are between the ages of sixteen (16) and nineteen (19) who are carefully trained by DLLC investigators to understand and follow state laws, including DLLC's CUB investigations guidelines and personal and public safety measures. Currently there are two (2) officers and a total of seven (7) trained CUBs performing CUB operations for the department. DLLC provides CUB program training to all Arizona law enforcement agencies, allowing the program to operate statewide.

In April 2016, DLLC conducted investigations of eight (8) liquor-licensed establishments in Phoenix, Glendale, and Scottsdale. Four (4) CUBs were used. Four (4), or fifty (50.0%) percent, of these establishments sold alcohol to a CUB resulting in thirteen (13) administrative violations and ten (10) criminal violations. All eight (8) locations were investigated in response to complaints received by DLLC.

Since the inception of the program, three thousand eight hundred eighty-five (3,885) establishments have been investigated and one thousand two hundred thirty-three (1,233) or thirty-two (31.7%) percent have sold to CUB buyers resulting in two thousand nine hundred sixty-seven (2,967) administrative violations and two thousand three hundred seventy-five (2,375) criminal violations.

CUB Program Statistics

Calendar Year	Locations Investigated	# Sold to CUB	% of Locations that Sold to CUB	Administrative Violations	Criminal Violations
2003	122	33	29	70	71
2004	217	55	25	122	136
2005	337	108	32	342	283
2006	475	148	31	409	317
2007	450	108	24	200	201
2008	572	172	30	416	349
2009	392	115	29	234	229
2010	169	96	57	207	129
2011	234	62	26	143	69
2012	215	82	38	225	193
2013	310	98	32	220	143
2014	181	76	42	179	122
2015	186	68	37	168	107
2016	25	12	48	32	26

An Underage Drinking Hotline is in operation for concerned citizens to call when underage drinking, service, or sales are suspected. With each complaint DLLC launches an investigation. The Underage Drinking Hotline number is 1-877-NOT-LEGL or 1-877-668-5345.

OUTREACH

Community & Agency Outreach

Community and agency outreach meetings and presentations create opportunities to increase DLLC's efficiency and relevancy, encourage agency collaborative efforts, and promote safe and legal alcohol distribution, sales, and consumption.

Community and agency outreach during the month:

- Meeting with Four Peaks In Bev – director and deputy director
- Meeting with Tempe Downtown Authority Partnership – director
- Meeting with Gilbert mayor – director
- A3 Problem-Solving Breakthrough Plan workshop – deputy director and assistant director of licensing attended
- Country Thunder – director, deputy director and investigators
- Mothers Awareness for School Aged Kids (MASK) meeting – director
- ACU Daniel award dinner - director
- Arizona Government Transformation Workshop – director and assistant director of licensing attended
- Meeting with Scottsdale retail businesses – director
- Meeting with Youngs Market – director
- Meeting with Beverage Alcohol Community Information Council (BACIC) – deputy director attended
- Meeting with Arizona Department of Administration (ADOA) recruiting team – director, deputy director, and assistant director of licensing attended
- Meeting with Arizona Craft Brewers Guild – director and deputy director
- Meeting with Arizona Republic – director
- Meeting with Scottsdale Police Department and downtown businesses – director
- Cronkite School of Journalism interview – communications director facilitated
- APS Public Information Officer Symposium – communications director attended

Law Enforcement Special Detail:

- CUB – Investigator Palubeskie conducted two, Investigator Parris, Investigator Swift and Investigator Turner assisted
- Vehicle and RV maintenance – Investigator Trevizo
- Trade Practice, Title 4 Training Management, Stats, Letters to Producers answering requests, and In-House Training – Investigator Miller
- Completed 41 Site Inspections, Title 4 Training Management and Complaint Hotline – Ms. Strickland
- Arizona Narcotic Officers Association (ANOA) Conference – Investigator Palubeskie and Investigator Carruthers attended
- Governor's Office of Highway Safety (GOHS) Conference – Investigator Palubeskie and Investigator Webb attended
- Somerton Police Department Title 4 and Fake ID Training for 17 Officers – Investigator Sanchez and Investigator Webb
- San Luis Police Department Title 4 and Fake ID Training for 10 Officers – Investigator Sanchez and Investigator Webb
- Title 4 Training for 55 Civilians in Tucson – Investigator Zacarias
- Title 4 Training for 2 Officers and 6 Civilians in Winslow – Investigator Carruthers
- Security and Title 4 Training for Country Thunder Staff of 58 Civilians – Investigator Miller and Investigator Parris
- Train the Trainer Liquor Instructors for Fry's Corporate Trainers of 25 Civilians – Investigator Parris
- Governor's Office of Youth, Faith and Family, 20 hours – Investigator Williams
- Country Thunder Special Enforcement / Youth Alcohol Detail – all Officers

SUCCESS STATISTICS INVESTIGATIONS

It is the responsibility of the Investigations Division to ensure that all licensees adhere to A.R.S. Title 4 (Arizona liquor law) and all Arizona Administrative Code Rules established by the DLLC.

Investigators completed one hundred seventy-seven (177) routine liquor inspections (RLIs) at licensed establishments and events throughout Arizona resulting in one hundred sixty-nine (169) criminal charges and twenty-nine (29) administrative violations. The following success statistics were completed by a nonsupervisory staff of ten (10) full time sworn officers who uphold a statewide officer-to-liquor license ratio of 1:1,214.

Total investigative actions taken this month were one thousand four hundred eighty-three (1,483), which is an increase of six (6.2%) percent when compared to the one thousand three hundred ninety-six (1,396) investigative actions taken in April 2015.

Achievements:	Current Month	Total FY 2016	1 Year Ago This Month	Total FY 2015
Routine Liquor Inspections Completed	177	2,123	234	2,710
Criminal Citations Issued	100	379	142	660
Criminal Counts Charged	169	640	268	1,300
Administrative Counts Charged	29	770	74	1,140
Hidden Ownerships Completed	2	16	0	16
Site Inspections Completed	35	303	26	272
Non-Actioned (Criminal) Complaints	29	369	22	423
Actioned (Administrative) Complaints	2	74	3	96
Compliance Case Reports Submitted	18	308	29	423
On-view Violation Case Reports	16	201	19	256
Law Enforcement Liaison Completed	61	637	60	786
Tax Deficiency Charges	0	213	16	374
MVD Affidavit/Suspension	4	50	8	140
Underage Investigations Statistics:				
Citations Issued to Underage Persons	91	312	135	505
Total Underage Violations	167	613	252	1,087
Total Achievements: (including police report reviews and completed protests not listed above)	1,483	12,082	1,396	13,373

Compared to April 2015, the number of citations DLLC investigators issued to underage persons decreased by forty-four (44) citations and the total number of underage violations decreased by eighty-five (85) violations.

SUCCESS STATISTICS
Investigations (continued)

Current Month	Younger than Age 15	Age					
		15	16	17	18	19	20
Age of minor cited	0	0	1	6	19	37	28

Of the citations issued to underage persons, thirty-one (30.8%) percent were within one year and forty-one (40.7%) percent were within two years of the legal drinking age.

Statute/ Definition	Number of Counts Charged This Month	Number of Counts Charged in FY 2016	1 Year Ago This Month	Number of Counts Charged in FY 2015
A.R.S. § 4-241(A) Failure to request ID from underage; accepting unauthorized forms of ID	5	41	1	77
A.R.S. § 4-241(L) Underage who uses false ID to buy alcohol	4	24	2	128
A.R.S. § 4-241(M) Underage who solicits another person for alcohol	0	9	0	30
A.R.S. § 4-241(N) Underage who uses of false ID to gain entry to a liquor business	0	34	1	12
A.R.S. § 4-241(P) Person purchasing alcohol for underage	0	0	1	6
A.R.S. § 4-244(9) Furnishing alcohol to an underage; underage in possession/consumption	77	223	127	499
A.R.S. § 4-244(20) Consuming spirituous liquor in public place, thoroughfare or gathering	0	7	0	24
A.R.S. § 4-244(41) Underage with alcohol in system	76	206	120	291
A.R.S. § 13-2907.01 False reporting to law enforcement agencies	1	2	2	5
A.R.S. § 13-3613 Contributing to delinquency and dependency of a child	0	0	3	4
A.R.S. § 28-3478.1 Unlawful use of driver license	5	45	7	75
A.R.S. § 28-3478.3 Using another person's driver license	0	24	1	24

The number of underage violations issued in April 2016 decreased by ninety-six (96) compared with April 2015.

SUCCESS STATISTICS LIQUOR LICENSE AUDITS

Currently there are one hundred seventy-three (173) active Series 11 (hotel/motel) licenses and three thousand five hundred eleven (3,511) active Series 12 (restaurant) licenses statewide. Compared to April 2015, the number of hotel/motel with restaurant licenses increased by eight (8) or five (4.8%) percent, and the number of restaurant licenses increased by one hundred twenty-one (121) or four (3.6%) percent.

DLLC employs two (2) full time auditors. With a total of three thousand six hundred eighty-four (3,684) restaurant-type licenses combined, the statewide auditor-to-liquor license ratio is: 1:1,842.

Audit Status	Current Month	This Month Last Year
Audits closed	8	9
Audits initiated	8	9
Audits in progress	16	16
Open cases w/projected ratio of >37%	13	10
Open cases w/projected ratio between 30 to 37%	3	5
Open cases w/projected ratio of <30%	0	1
Locations granted 1 year to continue operation	0	1
Locations being monitored	102	95

During April 2016, eight (8) audits were completed in Maricopa, Pima, Santa Cruz, and Yavapai Counties, which resulted in actionable violations in seven (7) of those cases. On April 30, 2016, there were sixteen (16) audits in progress and one hundred two (102) locations being monitored.

Audit Action	Current Month	Total FY 2016	This Month Last Year	Total FY 2015	Total 2003 To Present
Audits completed	8	79	9	91	889
Audits passed	8	64	5	56	503
Audits failed	0	11	2	25	300
Inconclusive	0	4	2	10	80
Other charges only	0	0	0	0	6

In April 2016, audit fines assessed from violations totaled one thousand nine hundred fifty (\$1,950) dollars. Compared to April 2015, total audit fines assessed from violations decreased by eighteen thousand nine hundred twenty-five (\$18,925) dollars.

SUCCESS STATISTICS
Liquor License Audits (continued)

Audit Revenue 2-year Comparison

Audit Action	Current Month	Total FY 2016	1 Year Ago This Month	Total FY 2015
Fines Assessed	\$1,950	\$31,750	\$20,875	\$71,350

Audit statistics since FY 2007 are noted below:

Year	Audits Completed	Revenues Collected	Average Fine per Audit
FY 2007	27 audits	\$13,000	\$481
FY 2008	61 audits	\$36,500	\$598
FY 2009	103 audits	\$81,275	\$789
FY 2010	87 audits	\$81,750	\$940
FY 2011	82 audits	\$84,400	\$1,029
FY 2012	90 audits	\$64,355	\$715
FY 2013	84 audits	\$47,625	\$567
FY 2014	92 audits	\$49,625	\$539
FY 2015	91 audits	\$47,725	\$524
FY 2016	79 audits	\$58,050	\$735

Online Sampling Requests:

DLLC developed and instituted online sampling requests. After the requesting licensee enters the date, time and location, the system then verifies whether: (1) there are other sampling events at the same location on the same date, (2) the requestor has not exceeded twelve (12) allowed sampling events per location per year, and (3) the location meets the requirements of a sampling location. If the system determines the sampling request meets all of the requirements, the sampling event is booked, an email along with a "Notice of Sampling" credential is instantly emailed to the distributor, and a notification email is sent to the retail location.

During the month of April 2016, there were nine hundred twenty-four (924) sampling requests entered into and approved by the online system. Of these sampling requests thirty (30) were cancelled. In FY 2016, the online system has saved two thousand eighty (2,080.00) staff hours.

SUCCESS STATISTICS COMPLIANCE

The Compliance Unit governs the dispute-resolution process and imposes disciplinary actions against licensees for violations of State liquor laws. The Compliance Unit is responsible for determining an appropriate course of disciplinary action which may consist of verbal or written warnings, consent agreements, or referral for a full administrative hearing.

Achievements	Current Month	Total FY 2016	1 Year Ago This Month	Total FY 2015
Revocations	0	2	0	0
Suspensions	0	0	1	2
Surrenders	0	14	2	10
Divestitures	0	6	1	7
Administrative Complaints	0	6	1	2
Decisions & Orders	0	2	0	1
Cases Received	36	808	51	843
Cases Completed	13	252	10	198
Cases in Progress	23	556	41	645
Warning Letter Issued	3	22	3	22
Cases Sent to OAH	0	5	0	7

Economic Impact:

Fines collected during the month totaled sixteen thousand one hundred twenty-five (\$16,125) dollars from twenty-three (23) adjudicated compliance actions. Compared to last month, March 2016, this represents a seventy-four (74.0%) percent decrease in collected revenues and a fifty-two (52.1%) percent decrease in the number of compliance actions processed. Compared to April 2015, this represents a seventy-eight (78.2%) percent decrease in collected revenues and a sixty-five (65.2%) percent decrease in the number of compliance actions processed.

A penalty payment plan gives licensees the option to pay fines in installments rather than in one lump sum. DLLC and the licensee agree to the terms of the payment plan during the negotiation process. Although the payment plan may reduce DLLC's monthly collection of fine revenues in the short term, the long term outcome is intended to keep establishments in business by easing the financial burden of fines.

Fiscal Year	Compliance Actions	Revenues Collected	Average Fine Per Action
2005-2006	500	\$689,475	\$1,379
2006-2007	429	\$627,975	\$1,464
2007-2008	334	\$582,350	\$1,744
2008-2009	584	\$886,440	\$1,518
2009-2010	415	\$705,725	\$1,701
2010-2011	425	\$598,509	\$1,408
2011-2012	479	\$428,445	\$894
2012-2013	440	\$673,710	\$1,531
2013-2014	500	\$473,910	\$948
2014-2015	561	\$516,365	\$920
2015-2016	401	\$423,200	\$1,055

SUCCESS STATISTICS
Compliance (continued)

Adjudicated Underage Violations:

Statute	Adjudicated This Month	TOTAL FY 2016	1 Year Ago This Month	TOTAL FY 2015
A.R.S. § 4-241(A) Failure to request ID from underage; accepting unauthorized forms of ID; failure to follow the identification procedure prescribed by statutes	0	56	13	92
A.R.S. § 4-241(L) Underage who uses false ID to buy alcohol	0	0	0	0
A.R.S. § 4-241(M) Underage who solicits another person for alcohol	0	0	0	0
A.R.S. § 4-241(N) Underage who uses of false ID to gain entry to a liquor business	0	0	0	0
A.R.S. § 4-241(P) Person purchasing alcohol for underage	0	0	0	0
A.R.S. § 4-244(1) Unlicensed Resale	0	8	3	20
A.R.S. § 4-244(9) Furnishing alcohol to an underage; underage in possession/consumption	0	55	1	89
A.R.S. § 4-244(16) Knowingly allow furnishing liquor to underage	0	0	0	0
A.R.S. § 4-244(22) Underage on premises without parent (on-sale); consume without permission of premises owner	0	7	1	6
A.R.S. § 4-244(41) Underage with alcohol in system	0	0	0	0
A.R.S. § 4-244(42) Employee of licensee to accept gratuity to allow underage inside of bar/sell alcohol	0	1	0	0
A.R.S. § 13-2907(01) False reporting to law enforcement agencies	0	0	0	0
A.R.S. § 28-3478(1) Unlawful use of driver license	0	0	0	0
A.R.S. § 28-3478(3) Using another person's driver license	0	0	0	0

During FY 2016, fines from adjudicated underage violations total ninety thousand (\$90,000) dollars.

Compliance Statistics Resulting From Underage Violations:

Fiscal Year	Fines Collected	Licenses Suspended	Licenses Revoked
2011	\$214,500	2	0
2012	\$82,265	1	0
2013	\$125,500	4	1
2014	\$80,625	1	2
2015	\$82,375	0	0
2016	\$90,000	0	0

SUCCESS STATISTICS STATE LIQUOR BOARD

The State Liquor Board operates independently from the Director of the Department of Liquor Licenses and Control and is responsible for hearing liquor license applications that have been protested by the public, the governing body of a city, town or county, or the Department Director. Additionally, the Board may hear appeals and overturn or amend decisions of the Director.

Achievements:	Current Month	Total FY 2016	1 Year Ago This Month	Total FY 2015
Hearings Scheduled	3	25	7	57
Licenses Granted	0	1	4	20
Licenses Denied	0	4	1	11
Continuances Granted	0	4	2	11
Continuances Denied	0	0	0	1
Licenses Withdrawn	1	8	0	13
Appeals Heard	2	3	0	0
Rehearings Requested	0	1	0	1
Hearings Cancelled by Director	0	3	0	3

There were three (3) hearings scheduled before the State Liquor Board in April. One (1) Series 10 Beer and Wine Store liquor license application was withdrawn. Two (2) appeals of Director's decisions were heard.

STATE LIQUOR BOARD MEMBERS AND TERMS

Cyndy A. Valdez (R)	Chair Pima County Wholesaler	Term Expires January 16, 2017
Vikki R. Scarafiotti (D)	Maricopa County No Financial Interest	Term Expires January 16, 2017
Michael J. Troyan (I)	Maricopa County Retailer	Term Expires January 15, 2018
Sergio A. Arellano (R)	Pima County No Financial Interest	Term Expired January 21, 2019
Vacant	Neighborhood Association	Term Expired January 18, 2016
Vacant	No Financial Interest	Term Expires January 15, 2018
Vacant	No Financial Interest	Term Expires January 15, 2018

SUCCESS STATISTICS LICENSING DIVISION

The Licensing Division is responsible for processing new license applications, permits, renewals, and maintaining up-to-date and accurate information on active licenses. Compared to this month last year, April 2015, the number of new liquor licenses issued in Arizona decreased twenty-one (20.9%) percent and the number of active licenses increased one (1.4%) percent. Also, compared with April 2015, monthly licensing revenues have decreased thirty-eight (37.9%) percent from eight hundred ninety-six thousand nine hundred twenty-nine (\$896,929) dollars during this time last year to five hundred fifty-seven thousand two hundred (\$557,200) dollars during the current month.

In April 2016, eleven (11) exempt locations were approved which brings the total active exempt locations in Arizona to ninety (99). An exempt location is an establishment that has: (1) met the criteria established in A.R.S. §4-244.05 and A.A.C. R19-1-324; (2) made application for the exemption; (3) been inspected by a DLLC investigator; and (4) been issued a one-year exemption which allows patrons to bring and consume beer and wine on the premises.

Licensing	Current Month	Total FY 2016	1 Year Ago This Month	Total FY 2015
New Licenses Issued	140	1,248	177	1,559
Renewed Licenses	407	10,786	606	11,952
Lottery Licenses Issued	1	14	2	16
Collected Lottery Revenues	\$56,550	\$2,207,600	\$117,575	\$1,208,300
Number of Active Liquor Licenses	12,144*	12,144*	11,972*	12,052*
Exempt Locations Issued	11	87	4	84
Number of Exempt Locations	99**	99**	88**	86**
Collected Licensing Revenues (including lottery revenues)	\$557,200	\$11,571,456	\$896,929	\$7,884,153

*This number fluctuates daily depending on renewals, new applications, suspensions and revocations.

**This number fluctuates daily depending on renewals and new applications.

Collected Revenue by Fee Type in April 2016

Fair Market Value	56,550
Applications	14,900
License Fees	379,057
Out-of-State	0
Agent Change	2,500
Fines	16,125
Special Event	6,600
Club	1,50
Penalties	19,950
Copy Fees	5,631
Non-Use Surcharge	5,400
Audit Surcharge	12,660
Enforcement K Surcharge	19,390
Enforcement L Surcharge	13,135
Miscellaneous	5

TOTAL REVENUES COLLECTED **\$552,052**
(fingerprints) **5,148**

TOTAL REPORT **\$557,200**

**LEAN TRANSFORMATION
STATEWIDE LICENSING INITIATIVE**

In FY 2015, DLLC issued one thousand five hundred forty-one (1,541) new licenses. Beginning in FY 2016, all DLLC license applications will be included in the continuous improvement process. Customer service representatives (CSRs) have received training and resource materials to ensure that consistent licensing policies and procedures are used when processing applications. A standardized process will help reduce CSR errors, improve processing time, and improve customer satisfaction rates. DLLC reports its monthly “scorecard” to the Arizona Government Transformation Office (GTO).

In April 2016, ninety (90) New and Transfer licenses were issued in Series 6 Bar, Series 7 Beer and Wine Bar, Series 9 Liquor Store, Series 10 Beer and Wine Store, and Series 12 Restaurant. The target time to process a license application from Date Accepted to Date Approved/Ready to Issue is eighty (80) days.

License Type	Average Number of Days from Date Accepted to Date Approved (Goal: 80 days)	Average Number of Days from Date Accepted to Date Issued*
Series 6 Bar	82 days	90 days
Series 7 Beer and Wine Bar	83 days	89 days
Series 9 Liquor Store	N/A	N/A
Series 10 Beer and Wine Store	87 days	96 days
Series 12 Restaurant	81 days	94 days

- * Licenses issued after one hundred five (105) days are due to extenuating circumstances, which most commonly include:
- protests by local government, individual within 1-mile radius of business, or department, which require a board hearing;
 - delay in licensee completing construction/build-out;
 - incomplete application requirements; and/or
 - delays due to erroneous information on application.

WHAT'S NEXT AT DLLC? Upcoming Events and Milestones

Legislation*

HB2031 LIQUOR PURCHASES; OTHER STATE IDENTIFICATION. HB2031 passed the Senate and was signed by the Governor. HB 2031 amends A.R.S. § 4-241, relating to liquor prohibitions.

PROVISIONS

1. Removes the prohibition on liquor sales to a person with an unexpired out-of-state driver license issued before a person's 21st birthday and used 30 days after the person turns 21.
2. Allows a person to use as age verification for alcohol sales a license that is substantially equivalent to an Arizona driver license issued by any other state, the District of Columbia or a territory of the U.S. or Canada.
3. Makes technical and conforming changes.
4. Contains emergency measure clause.

HB2030 LIQUOR PREMISES; FIREARMS; RETIRED OFFICERS. Conference Committees were appointed in the House and Senate and additional amendments were adopted by the Senate Conference Committee.

SB1373 LIQUOR OMNIBUS. SB1373 passed the House as amended and was transmitted to the Senate.

2016 Arizona Liquor License Lottery

Of the 21 series of liquor licenses available in Arizona, only these three are issued in limited quantities by county; the bar license (series 6), the beer and wine bar license (series 7), and the liquor store license (series 9). These three licenses are called "quota" licenses.

2016 marks the ninth liquor license lottery held in Arizona. Quota licenses are issued by county when the population increases by 10,000. Of the 15 Arizona counties, Maricopa, Pima and Yuma experienced population growth of more than 10,000. The number of lottery licenses offered is determined by the population increase since 2010 minus the number of quota licenses issued in that county since 2010.

Before each lottery is conducted, two independent auditors determine the Fair Market Value of each license. Fair market values have ranged from a low of \$5,233 for a beer and wine bar license in Gila County to a high of \$235,800 for a liquor store license in Maricopa County.

When the number of entrants exceeds the number of quota licenses offered, a Random Selection Drawing is held to determine the entrants who will continue with the application process. If entrants selected in the random selection drawing elect not to continue with the application process, the license will be offered to the "alternate" identified in the drawing.

For more Liquor License Lottery information, follow this link to DLLC's website: <http://www.azliquor.gov/lottery.cfm>. A history of lottery results can be reviewed in the Department of Liquor [Annual Report](#).

END OF DLLC APRIL 2016 REPORT TO THE GOVERNOR

* Source: Arizona State Legislature Web Applications (<https://apps.azleg.gov>).