

Arizona Department of Liquor Licenses and Control



August 2018 Governor's Monthly Report (REVISED 2/20/19)

STATE OF ARIZONA
DEPARTMENT OF LIQUOR LICENSES AND CONTROL

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Mission Statement

To protect public safety and support economic growth through the responsible sale and consumption of liquor, and to efficiently license qualified applicants.

Vision Statement

We envision being a leader in state liquor licensing and enforcement, focused entirely on delivering exceptional services that meet customers needs and enrich the communities we serve.

FY 2019 STRATEGIC PLAN

We endeavor to realize the Governor’s vision of “government at the speed of business,” applying effort in key areas tied to our mission. As developing practitioners of the Arizona Management System (AMS), staff potential to improve performance results is strong. A commitment to continuous improvement through AMS, plus leveraging and developing talent is needed to lean out processes plus optimize resources.

Goals	Goal Performance Indicator(s)	Objectives FY 2019
1: Enrich technology tools and opportunities	# of agency services offered on-line # of system tools improved # of license jobs done in public portal	A) Beginning November 2018, grow customer e-license system use to 15% for those who are existing customers with an email address on record
		B) Increase the number of licensing services offered on-line from 3% to 60%
		C) Identify five (5) licensing system enhancements and implement
		D) By October 1, 2018, create e-licensing webpage with tool link and FAQs to enrich customer use of new licensing system
2: Accelerate agency performance	AMS-driven continuous improvement wins Employee engagement scores	A) Identify five continuous improvement wins (from anywhere across the agency) and implement
		B) Seek outside professional development training for 30% of civilian staff
		C) Provide avenues to increase Licensing Section effectiveness by addressing workload and time impacts
		D) Create standard written work for resolving license renewals with outstanding compliance actions by March 31, 2019
3: Promote and act to create safe communities	Sales of alcohol to underage persons Over service Acts of violence	A) When notified by Arizona DPS of a collision, investigate 100% of licensees in wrong way driver cases on Arizona freeways wherein a Title 4 violation is a contributing factor, significant injury or death occurred, and a direct causal link exists between a licensed entity and the driver of the responsible vehicle
		B) Complete investigative breakthrough project efforts to reduce the sale of alcohol to persons under 21 by 50% by December 31, 2018
		C) Execute 235 youth outreach and education training deliveries targeting abstinence of alcohol

LICENSING AND ADMINISTRATION DIVISION

LICENSING SECTION

Licensing is responsible for issuing liquor licenses to qualified applicants and providing exceptional customer service to the public. Current licensing staff includes six customer service representatives (CSRs), three records custodians, and a licensing manager. CSRs answer questions and assist licensees with completing required paperwork. Personal assistance was provided to 271 walk-in applicants and licensees in August 2018. On average, CSRs spent 37 minutes with each walk-in visitor. Records custodians ensure the state’s liquor records are safe, legible, and readily accessible for the Department’s archives, online services, and public records requests. Records custodians also process payments, transfer records between local governments and the state, and create electronic business forms and instructions.

Transaction	August 2018	FY 2019 Year to Date	FY 2018** Year End
New liquor licenses issued	522	1,008	4,270
Liquor licenses renewed	1,056	1,830	10,339
Special event permits issued	202	309	3,755
Interim permits issued	50	92	674
Exempt locations issued	30	48	159
Lottery licenses issued	1	4	26
Active liquor licenses*	14,197	14,197	14,482

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

** Data discrepancies due to new license system implemented in the year.

The Department is required to approve or disapprove a license application within 105 days from the day the application is filed (A.R.S. § 201(E)). The time to process an application indicates how well the Department is fulfilling its mission to “efficiently license qualified applicants.” The goal is to issue Series 6-Bar, Series 7-Beer and Wine Bar, Series 9-Liquor Store, Series 10-Beer and Wine Store, and Series 12-Restaurant licenses in no more than 75 days.

License Type	Average Number of Days to Issue License – August 2018			
	Number of Applications	Average Time to Process	FY 2019 Running Average	FY 2018 Year End Average
Series 6-Bar	4	73	75	83
Series 7-Beer and Wine Bar	4	72	73	83
Series 9-Liquor Store	1	47	62	76
Series 10-Beer and Wine Store	10	68	74	85
Series 12-Restaurant	25	65	69	84

ADMINISTRATION SECTION

Administration is responsible for Budget and Finance, Procurement, Information Technology, Communications, Special Projects, Human Resources, Liquor Board Administration, and Policy Research. The Budget and Finance Unit tracks incoming revenues which include funding allocated to the Department, grants awarded to the Investigation Division, license fees, and fines. This unit coordinates revenue disbursement to the state and Arizona's 15 counties, accounts payable, and payroll processing. The Procurement Unit coordinates with ADOA in obtaining and evaluating resources and supplies with a goal of improving the cost efficiency of operations.

The Information Technology Unit provides desktop support and expertise in maximizing the utility of technology resources. The Communications and Special Projects Unit directs incoming and outgoing information, including media communications and requests, website design and content, and industry announcements and presentations. The Human Resources Unit manages a proper entrance and exit process for employees, participates in the creation, maintenance and distribution of departmental policies and procedures, and manages on-going employee training.

Collected Revenue by Fee Type

Source of Revenue	August 2018	FY 2019 Year to Date	FY 2018 Year End
FMV (Liquor License Lottery)	0	248,075	3,170,925
Applications	26,270	49,073	425,241
Licenses Issuances Fees	107,274	326,174	1,141,560
Licenses Renewals Fees	250,388	428,686	2,845,779
Interim Permit Fees	4,200	7,900	59,700
Agent Change	2,750	4,300	35,551
Fines (Liquor Law Violations)	24,563	51,376	328,475
Special Event (DHS)	6,900	9,400	72,500
Club (DES)	6,600	12,450	41,700
Penalty Fees (Late Renewals)	9,150	18,750	200,400
Copy Fees	27	425	1,623
Non-Use Surcharge	15,800	28,400	177,300
Audit Surcharge (J Fund)	18,540	29,820	182,550
Enforcement K Surcharge	36,715	63,490	422,415
Enforcement L Surcharge	31,660	55,495	363,210
Miscellaneous	8,062	14,757	90,022
17W Direct Shipment License	3,375	6,525	54,675
17W Direct Shipment Renewal	0	0	74,025
Growlers	900	2,175	N/A
Samplings	1,380	2,800	N/A
Fingerprints Fees	5,962	10,560	53,522
Total Revenue Collected	\$560,516	\$1,388,606	\$9,741,172

* Acquisition of Control, Site Inspection, Extension of Premises, Co-Op, Person Transfer, BYOB, Location Transfer, Sampling.

STATE LIQUOR BOARD

The State Liquor Board consists of seven members who are appointed by the Governor. Arizona Revised Statutes (A.R.S.) Title 4 requires five of the members shall not be financially interested directly or indirectly in a business licensed to deal with spirituous liquors. Two members shall be engaged in business in the spirituous liquor industry, at least one of whom shall currently be a retail licensee or employee of a retail licensee. One member shall be a member of neighborhood association recognized by a county, city, or town. No more than four members may be of the same political party. No more than three members may be appointed from the same county.

Action	August 2018	FY 2019 Year to Date	FY 2018 Year End
Hearings Scheduled	6	8	33
Licenses Granted	0	0	14
Licenses Denied	2	2	2
Continuances Granted (Matters may be postponed to a subsequent hearing.)	3	5	4
Continuances Denied	0	0	0
Applications Withdrawn (Applicants may withdraw their applications.)	1	1	5
Appeals Heard (Applicants and licensees have the right to appeal a decision made by the Director or the Board.)	0	0	1
Rehearings Requested (A rehearing of a case may be requested by the Board, the applicant, or an interested party.)	0	0	3
Hearings Cancelled (If the reason for the protest is clearly removed or satisfied, the Director may request the Board to cancel the hearing.)	0	0	4

LIQUOR BOARD MEMBERS	
Michael J. Troyan (I) Chair Maricopa County Retailer Term Expires January 18, 2021	Troy L. Campbell (R) Vice Chair Maricopa County No Financial Interest Term Expires January 18, 2021
Michael N. Widener (R) Maricopa County No Financial Interest Term Expires January 18, 2021	Jeffrey K. Oravits (R) Coconino County Neighborhood Association No Financial Interest Term Expires January 21, 2019
Walter W. Jahn (R) Pima County Wholesaler Term Expires January 20, 2020	

INVESTIGATION DIVISION

It is the responsibility of the Investigation Division to ensure licensees comply with Arizona Revised Statutes (A.R.S.) Title 4 (Alcoholic Beverages) and Arizona Administrative Code (A.A.C.) Title 19 (Rule 19-1-101 through Rule 19-1-705). The division includes Investigations, Compliance, Audit, Industry Trade Practice, and Prevention. The primary functions of the Investigation Division are to:

Enforce Title 4 and Title 13 criminal laws to ensure compliance with statutes.
Investigate complaints regarding licensed establishments received from community members and local law enforcement personnel.
Conduct background investigations of liquor license applicants to determine if they have met Title 4 qualifications to possess a liquor license.
Conduct routine licensed business inspections to educate and prevent future violations.
Conduct Covert Underage Buyer (CUB) details to determine if a licensed establishment is in compliance with Title 4 regarding the sale and service of liquor only to persons age 21 and older.
Review police reports submitted by local law enforcement agencies to assess compliance and when one or more violations are found, submit reports to the Compliance Unit for accountability.
Work with licensees and their staff regarding Fake IDs and changes to Title 4 and A.A.C. Title 19 to ensure compliance.
Track industry trade practices to ensure compliance with Title 4 and A.A.C. Title 19.
Monitor and perform audits of two types of licensed establishments: hotel/motel with restaurant (Series 11) and restaurants (Series 12).
Collaborate with law enforcement agencies statewide on the application of Title 4, with emphasis on the Administrative Law process.
Develop and implement enforcement plans for the sale and service of liquor at large scale, public "special events" where attendance of more than 1,000 people is expected.
Educate students about legal, physical, and emotional outcomes that can occur when alcohol is consumed by persons under the age of 21.
Work with community members to ensure that licensed establishments positively impact neighborhoods.

DIVISION STATISTICS

Achievements	August 2018	FY 2019 Year to Date	FY 2018 Year End
Officer-to-Liquor License Ratio (Nonsupervisory staff of ten full time sworn officers)	1:1,419	1:1,419	1:1,456
Citations			
Total Citations Issued (Number of citations issued by an investigator for administrative, criminal, and underage violations)	46	64	428
Citations Issued to Underage (Number of citations written to underage persons who were found in violation of Title 4)	35	47	421
Violations			
Criminal Counts Charged (Number of counts charged by an investigator when person is in violation of Title 4, Title 13 or Title 28)	90	125	758
Administrative Counts Charged (Number of administrative counts charged by an investigator when a liquor law violation was found at a liquor-licensed establishment)	29	37	531
Underage Violations (Number of counts charged by an investigator for a liquor law violation involving an underage person)	86	120	732
Tax Deficiency Charges (Number of tax delinquencies where a licensee is over 120-days late and owes more than \$250)	0	0	44
Compliance			
Routine Liquor Inspections (Number of establishments randomly inspected to ensure they are operating in compliance with Title 4)	17	37	260
Actioned (Administrative) Complaints (Number of administrative citations issued and scheduled for an administrative hearing)	17	27	165
Compliance Case Reports Submitted	9	17	225
Non-Actioned (Criminal) Complaints (Number of incoming complaints to the Investigation Division reporting a liquor law violation)	58	89	399
Investigation			
Site Inspections Completed	62	119	481
On-View Violation Case Reports (Level 1 high priority involving underage, over service, and/or act of violence)	5	8	143
Total Achievements*	927	1,603	9,918

*Including police report reviews and completed protests not listed above

LAW ENFORCEMENT SPECIAL DETAIL

- Covert Underage Buyer Program (CUB) – Detective Williams and Detective Schrimpf
- CUB – Detective Turner and Detective Sanchez
- CUB – Sergeant Palubeskie and Detective Sanchez
- CUB – Detective Turner and Detective Webb
- CUB – Detective Trevizo and Detective Barchak
- CUB – Detective Fletcher
- Local Governing Body Training for Maricopa County clerks (18 attendees) – Detective Williams
- Title 4 Updates for Tempe Bike Squad (3 trainings – 130 attendees) – Detective Swift
- Alcohol Awareness Training in Nogales (17 attendees) – Detective Webb
- Alcohol Awareness Training in Globe (10 attendees) – Detective Webb
- Title 4 Training at Mesa Academy (29 attendees) – Detective Webb
- Governor's Office of Youth, Faith and Family (GOYFF) Conference – Detective Turner and Detective Trevizo
- CARE Coalition meeting – Detective Webb
- Navajo Nation Community meetings in Sanders and Window Rock (25 attendees) – Detective Carruthers

COVERT UNDERAGE BUYER PROGRAM

In an effort to curb the sale of liquor to underage persons, the Department utilizes the Covert Underage Buyer (CUB) program, which was instituted in May 2003. This program provides the resources necessary for investigating reported complaints of licensed businesses suspected of underage liquor law violations. When the Department has reasonable suspicion a licensed establishment is selling liquor to underage customers, a CUB will be sent in to attempt to purchase liquor. CUBs are between the ages of 16 and 19 and are carefully trained by Detectives. The Department also provides CUB program training to all Arizona law enforcement agencies.

Action	August 2018	FY 2019 Year to Date	FY 2018 Year End	May 2003 to August 2018
Locations Investigated	19	29	118	4,188
Number That Sold to CUB	5	9	32	1,334
Percentage of Establishments That Sold to CUB	26.3%	31%	27.1%	31.9%
Administrative Citations Issued	12	19	77	3,213
Criminal Citations Issued	5	9	47	2,503

UNDERAGE VIOLATIONS

Statute and Violation	Number of Counts Charged in August 2018	Number of Counts Charged in FY 2019	Number of Counts Charged in FY 2018
A.R.S. § 4-241(A) Failure to request ID from underage; accepting unauthorized forms of ID	7	12	49
A.R.S. § 4-241(K) Accepting unauthorized IDs	0	0	2
A.R.S. § 4-241(L) Underage who uses false ID to buy alcohol	24	28	75
A.R.S. § 4-241(M) Underage who solicits another person for alcohol	2	2	0
A.R.S. § 4-241(N) Underage who uses of false ID to gain entry to a liquor business	2	3	23
A.R.S. § 4-241(P) Person purchasing alcohol for underage	0	0	0
A.R.S. § 4-244(9) Furnishing alcohol to an underage; underage in possession/consumption	38	54	274
A.R.S. § 4-244(20) Consuming spirituous liquor in public place, thoroughfare or gathering	1	1	1
A.R.S. § 4-244(41) Underage with alcohol in system	5	9	218
A.R.S. § 13-2907.01 False reporting to law enforcement agencies	0	1	1
A.R.S. § 13-3613 Contributing to delinquency and dependency of a child	0	0	2
A.R.S. § 28-3478.1 Unlawful use of driver license	5	5	59
A.R.S. § 28-3478.2 Lend ID to another person	0	0	2
A.R.S. § 28-3478.3 Using another person's driver license	2	5	9
Total Violations	86	120	715

Ages of Underaged Cited This Month	<15	15	16	17	18	19	20
	0	0	0	0	14	8	13

AUDIT STATISTICS

The Audit Unit monitors and performs audits of Series 11-Hotel/Motel with Restaurant and Series 12-Restaurant, to determine whether licensees are complying with A.R.S. § 4-205.02 by deriving at least 40% of their gross revenue from the sale of food and 60% from the sale of liquor. The Audit Unit refers violations to the Compliance Unit.

Active Restaurant-Type Licenses	August 2018	FY 2019 Year to Date Average	FY 2018 Year End
Hotel/Motel w/Restaurant (Series 11)	184	185	184
Restaurant (Series 12)	3,918	3,922	3,856
Total Restaurant-Type Licenses	4,102	4,107	4,040
Auditor-to-Liquor License Ratio (Two full time auditors)	1:2,051	1:2,053	1:2,020
Audit Action		Year to Date Total	FY 2018 Year End
Audits Completed	4	8	2
Audits Passed	2	4	0
Audits Failed	2	2	0
Audits Inconclusive/Audit Not Performed	0	2	0
Locations granted one year to continue operation	1	1	0
Open Audit Cases		Year to Date Average	FY 2017 Year End
Audits in progress	0	2	2
Open cases w/projected ratio of >37%	0	0	0
Open cases w/projected ratio between 30 to 37%	0	1	2
Open cases w/projected ratio of <30%	0	1	0
Locations being monitored	107	103	95
Source of Revenue		Year to Date Total	FY 2017 Year End
Assessed fine revenue	0	0	\$59,500
Collected fine revenue	\$3,000	\$6,750	\$34,875

COMPLIANCE STATISTICS

The Compliance Unit 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.

Action	August 2018	FY 2019 Year to Date	FY 2018 Year End
Revocations	0	0	0
Suspensions	0	0	2
Surrenders	3	4	7
Divestitures	0	0	0
Administrative Complaints	0	0	0
Decisions and Orders	0	0	2
Cases Received	23	37	632
Cases Completed	2	5	119
Cases in Progress	21	32	516
Warning Letter Issued	1	1	72
Cases Sent to the Office of Administrative Hearings	0	0	6
Fines Collected	\$81,875	\$122,075	\$290,000
Cases Adjudicated	22	51	303
Action Resulting From Underage Violations			
Licenses Suspended	0	0	0
Licenses Revoked	0	0	0
Fines Collected	\$0	\$0	\$43,875

UPCOMING EVENTS AND MILESTONES

New Laws

Laws that became effective on August 3, 2018, are included in the 2018 Title 4 Law Book. This book is created for department staff and is provided as a public courtesy on the department's website in PDF and Word formats.

Title 4 Training

The department director may require Title 4 training for applicants, licensees, managers, agents and other employees as provided by A.R.S. § 4-112(G)(2).

A.R.S. § 4-112. Powers and duties of board and director of department of liquor licenses and control; investigations; county and municipal regulation

...

G. The director may:

1. Examine books, records and papers of a licensee.

2. Require applicants, licensees, employees who serve, sell or furnish spirituous liquors to retail customers, managers and managing agents to take training courses approved by the director in spirituous liquor handling and spirituous liquor laws and rules. The director shall adopt rules that set standards for approving training courses. **AFTER JANUARY 1, 2019, THE RULES FOR ON-SALE RETAILER BASIC TRAINING AND ON-SALE RETAILER MANAGEMENT TRAINING SHALL INCLUDE SECURITY PROCEDURES FOR SECURITY PERSONNEL ASSIGNED TO MONITOR ADMISSION OF PATRONS, INTERACTION WITH PATRONS, CALLS TO LAW ENFORCEMENT AND STRATEGIES FOR USE OF FORCE AND FOR THE USE OF DE-ESCALATION TECHNIQUES. IF THE RETAILER USES A REGISTERED SECURITY GUARD, THE RETAILER SHALL ATTEMPT TO VERIFY THE VALIDITY AND STATUS OF THE SECURITY GUARD'S REGISTRATION CERTIFICATE.** The department's licensed investigators may participate and receive compensation as lecturers at approved training courses within this state's jurisdiction that are conducted by other entities but shall not participate in in-house training programs for licensees.

A list of department-approved businesses that provide Title 4 training courses is available on the department's website.

END OF AUGUST 2018 REPORT TO THE GOVERNOR