



NLLEAGRAM

Winter 1992

A newsletter of the National Liquor Law Enforcement Association

FIFTH ANNUAL NLLEA MEETING NEWS

Our fifth annual meeting in Oklahoma City, September 22-24, 1991, was most successful and well-attended. Twenty of our thirty member agencies were represented. Several other member agencies advised fiscal restraints would not allow them to attend this year's meeting but they hoped they would be in attendance at the 1992 meeting. The Oklahoma ABLE members greeted us on Sunday, September 22, with a very warm, friendly social.

Alcohol Law Enforcement jurisdictions represented at the meeting were from Alabama, Alaska, Province of Ontario, Canada, Florida, Kentucky, Louisiana, Maine, Maryland, Mississippi, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Texas, Virginia, Washington, Wisconsin, and the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department.

The meeting began Monday morning, September 23, 1991, with welcoming remarks made by Director Ron Willis, Oklahoma ABLE, and Oklahoma Attorney General Mrs. Susan Loving.

Special Agent Hank Gibbons, FBI Oklahoma City, discussed search and seizure, reasonable expectation of privacy, and fourth amendment protection. He

brought us up to date on the current state of federal laws impacting our jurisdiction.

On Tuesday, Chief Joe Dorton of South Carolina, presented a seminar on the illegal manufacture of liquor (moonshine) in South Carolina and its impact on surrounding states.

Bill Saxton of Nebraska gave a very interesting program on poker video gambling and its impact on outlets licensed to sell alcoholic beverages.

A round table was held on Wednesday, at which time Dave Goyette of Washington discussed legislation to require server training introduced in his state. John Martin of Maine discussed the mandatory training program in that state. Dick Evans of Oregon discussed the increased involvement of Oregon citizens in alcohol control. Oregon has prepared a citizens handbook for anyone interested in this area. He also noted Oregon has a law requiring all law enforcement officers to notify Oregon ABC of any information concerning any possible dram shop incidents. He said his staff responds to all alcohol related accidents throughout the state.

Bill Saxton also discussed the administrative citation they issue to permittees notifying them of action going before Nebraska ABC authorities.

Dave W. Seitz of Virginia discussed their sixth annual college conference scheduled for October, 1991, and Virginia's investigations of money laundering as it relates to licensed ABC outlets.

Tommy Marvel of Oklahoma discussed Cops in Shops, a federally funded program by Oklahoma ABLE. In this program an officer is placed in a cooperating outlet and one officer is stationed outside; the target is sales to minors or adults buying for minors. The program has received much publicity and has been well received by the industry.

Larry Sullivan of Texas reported on a three-day in-service held in early May, 1991. Agents from Texas, Colorado, Mississippi, Louisiana, Nebraska, Oklahoma, and New Mexico participated. Training topics included minor sting operations and tied house investigations. A firearms competition was held at the University of Texas range in Austin, and Larry humbly reports Texas won first place.

At the business meeting on Wednesday, officers were elected for the year. They are: President Joe Dorton, South Carolina; Vice President John Britt, North Carolina; Secretary Dennis Theoharis, Montgomery County, Maryland; Treasurer Bill Saxton, Nebraska; and Sergeant at Arms Dick Evans of Oregon. President Sullivan introduced Deputy Director Robert V. Whitney, ATF National Academy, Glynco, Georgia, and a discussion followed concerning the academy providing training to state and local officers of our association. A training committee was appointed to work with Chief Whitney. Bill Patterson of North Carolina was appointed Chairman, and other members are Charles Sumner, Mississippi; David Goyette, Washington; and Bob Bridgewater, Kentucky.

Larry Sullivan, Texas, was appointed Chairman of the new Annual Awards Committee. Other members are Tommy Marvel, Oklahoma and Larry Dickinson, Louisiana. The committee will recommend one or all the following awards for consideration by the Association: Outstanding Agent/Officer of the Year; Outstanding Agency of the Year; and/or Agency with the most innovative program of the year.

Jackson, Mississippi, was selected as the site for the 1992 NLLEA conference. Dates for that meeting are September 26-October 1.

VIRGINIA

John Wright reports that Dave Seitz (who attended our 1991 meeting) has replaced Bob Garian as Deputy Board Member for Regulation; Bob has retired.

Chris Curtis has been promoted from Special Compliance Agent in Charge to Assistant Director for Field Operations, replacing Ray A. Little who retired.

Jim H. Evans has been promoted from Special Agent in Charge to Assistant Director for Administration, replacing Dick White who retired.

W. Dave Altman, Jr., has been promoted from Special Agent to Financial Investigations Case Manager, a newly created position. This new position was created to allow specific emphasis to be placed on the investigation of financial crimes committed by ABC licensees, e.g. money laundering or tax evasion. Information developed has been shared with other Virginia agencies and has resulted in a number of tax fraud investigations. Tax dollars are being collected, and fraud penalties are being assessed. The program appears to be very successful.

MISSISSIPPI

Jimmy Sullivan advises Mississippi liked the Cops in Shops program which Oklahoma ABLE so effectively used, and plans to implement a similar program with the cooperation of the Mississippi Retailers Association. They have met with the Retailers Association and hope to be working the program by March 1, 1992.

Don't forget, Mississippi is hosting the 1992 NLLEA Training Conference, September 26 through October 1, 1992. The conference will be held at the Ramada Renaissance Hotel, Jackson, Mississippi. Rooms will be \$73.00 single or double, and a block of rooms has been reserved for the conference. A limited number of rooms have been reserved for early arrivals on Saturday, September 26, 1992.

American Airlines is offering reduced air fare tickets through McGehee Travel Agency. For more information call 1-800-844-6400 and ask for Mary Lou, extension 38.

The tentative training schedule for our conference includes Tied House discussions, False ID Identification, Food Stamp Fraud, Media Relations, Video Surveillance Techniques, and Search and Seizure Update.

The registration fee will be \$100.00 and will include several meals. Be looking for more information to be mailed later. If you have any questions, call Jimmy Sullivan at 601/856-1301.

TEXAS

Larry Sullivan reports the Texas ABC Commission is currently going through a Sunset review process. A study conducted by auditors from the Sunset Commission will make recommendations which could include anything up to and including abolishment of the Texas ABC

Commission. Under conditions of the Sunset review the TABC will be abolished August 31, 1992, unless continued by the state legislature prior to that time. Larry has requested the assistance of other ABC systems. He asks to be advised if your state liquor laws require a state residency to qualify for ABC permits. If state residency is not required, how do you investigate out-of-state applicants?

In addition, he would like to know if you suspend a license or permit for violations of your liquor laws instead of fining. Finally, if you've had an opportunity to conduct any business with the TABC, he would like to know "...how you felt about this agency, good or bad."

Responses may be faxed or mailed to Larry H. Sullivan, Chief of Enforcement, P.O. Box 13127, Austin, TX 78711; fax number 512/451-7623.

NEBRASKA STING

In August, 1991, the Nebraska Attorney General's office rendered a new interpretation of Nebraska law which allows the use of underage persons for enforcement purposes. A number of sting operations with use of minors were thereafter instituted and the results were quite staggering in some cases. Some counties showed violation rates as high as 70%. More generally, however, the retail violation rate has been 30-40% of those checked. So far the program looks good.

NEW HAMPSHIRE CHANGES AND ENFORCEMENT

Upon the retirement of Chief George Mouflouze, David S. Austin was promoted from Deputy to Chief of Enforcement and Licensing. Congratulations, David.

New Hampshire also advises, with funding from the New Hampshire Safety Agency,

the division ran an intensified sales to minor campaign simultaneous with prom nights, major racing events, and in urban areas of high licensee concentration. In ten shifts, 200 person or vehicle inquiries were made resulting in 24 arrests. The effort was made during ten six-hour overtime shifts and is considered to be very successful.

ALASKA - INTERSTATE COOPERATION

During 1991 agents of the Colorado Division of Liquor Enforcement assisted Alaska investigators during an investigation concerning illegal employment in licensed businesses in Alaska. Based on the evidence provided by Colorado, the licensees confessed and the ABC Board suspended two businesses for 15 days each.

For those of you who attended the last conference, you may remember Alaska ABC Board Enforcement Supervisor Bill Roach told stories about some Alaskan moose which certain members labeled as "somewhat unbelievable." To support the credibility of his moose stories, Bill has sent this newsletter a copy of the *Anchorage Times* of November 18, 1991, with a story of moose wandering all over Anchorage. One interesting bit discusses the hazards which moose experience when living among people. Every year biologists are called out to unravel Christmas lights from moose antlers and one even got mixed up with a swing set, hauling the thing around until biologists came to the rescue. Okay, Bill, we believe the moose story but we're still waiting for some hard evidence about the six-foot rabbits.

ALABAMA

Director of Enforcement George P. Gantt advises that Mac Yeargan has been appointed ABC Board Administrator, and Charles Swindle retired Montgomery,

Alabama Chief of Police, has been appointed Assistant Administrator.

Alabama reports on a new program which seems rather interesting. They are using very young-looking 21-year-olds who visit licensed locations and attempt to purchase beer. If the clerk "cards" the youngster a letter of congratulations is sent to him and his employer congratulating them on their awareness. If an ID is not requested, a letter is sent recommending the licensee become more aware of the need to check IDs.

They also plan to start Cops in Shops in January, 1992, and note they learned of this program during the last NLEEA meeting in Oklahoma City. Both Delaware and Oklahoma have used Cops in Shops in the past and shared their experiences with Alabama.

OREGON

Charles Kurtz, formerly Assistant Director of Regulatory Field Services of the Oregon Liquor Control Commission, has been appointed Director of Regulatory Process.

Each April the Oregon Liquor Control Commission sends a letter to junior and senior high schools requesting the dates of proms and skip days. A card with the local OLCC enforcement office address and telephone number is provided so keg parties may be reported. Participation by educators has been outstanding and many May keg parties are stopped in advance by early intervention.

Oregon is studying the possibility of privatizing liquor sales, and also studying the possibility of moving the liquor license and enforcement functions to a department of public safety.

MONTGOMERY COUNTY, MARYLAND

Dennis Theoharis advises effective July 1, 1991, ABC inspectors may issue civil citations to persons under 21 years of age in possession of alcoholic beverages or who use fake IDs to misrepresent their age. Using a fake or altered driver's license may result in driving privileges of the minor being suspended.

PENNSYLVANIA

Director Bill Mericle, Bureau of Liquor Control Enforcement, Pennsylvania State Police, advises his bureau now has 247 authorized positions. This number includes 16 enlisted Pennsylvania State Police, 156 liquor enforcement officers, eight attorneys and 67 support personnel. Pennsylvania has over 22,000 retail liquor/beer establishments. As an example of the enormity of the problems facing this division, during the period January '88 through October '91 their agents investigated more than 43,000 complaints. Concentration on the underage drinking problem resulted in over 12,000 arrests for underage drinking during the same period. They plan to continue their concentration on the sales to underage persons.

WISCONSIN

Assistant Chief Roger B. Johnson, Alcohol and Tobacco Enforcement Unit, advises he has prepared an article: "False IDs and the 21-Year-Old Drinking Age" for publication in the FBI Bulletin. From this article he has developed a three hour course on false IDs which he has given to local law enforcement agencies throughout Wisconsin. The course has also been incorporated in the state's responsible beverage server courses. It will be a presentation at one of our break-out sections during our Fall 1992 NLLEA meeting.

ILLINOIS

Member, Dr. Thomas E. Radecki of Doctors and Lawyers for a Drug-free Youth, Decatur, reports his group has conducted compliance checks (stings) in Buffalo, Syracuse, Rochester, Utica, Schenectady, Manhattan and Brooklyn, New York, Washington, D.C., and Mattoon and Charleston, Illinois. They found sales rates ranging from 3% to 100%. Police departments in three suburbs of Chicago conduct routine quarterly sting operations with a sales rate which runs from 14% to 20%.

Washington, D.C., was the object of a sting compliance study by the Insurance Institute for Highway Safety in December, 1990, and a 97% buy rate was found. His group ran a compliance check in Washington, D.C., subsequent thereto, and the buy rate had dropped to 56%. Washington, D.C., authorities have advised his group that in early 1992 they plan to initiate a program of routine compliance checks and are currently hiring staff.

Dr. Radecki advises Drug-Free Youths' official position on liquor law enforcement at the present time is that a minimum of quarterly sting operations is the "gold standard" of liquor law enforcement and the most cost-effective way of denting the problem of alcohol sales to youth. Anyone desiring further information concerning this organization and its work may reach Dr. Radecki at 1600 Lincoln Avenue, Decatur, Illinois.

NORTH CAROLINA

"In America," a nationally syndicated television series, featured the North Carolina Alcohol Law Enforcement Division's investigations concerning the illegal manufacture of non-tax paid liquor (moonshine) in their state. The program aired Saturday and Sunday, February 29-March 1, 1992, via television stations across the United States.

NEW MEXICO

On September 14, 1991, Tom Romano was appointed Chief of Investigative Bureau of Special Investigations of the New Mexico Department of Public Safety. His agency enforces the State Liquor Control Act, and the Bingo and Raffle Act. Former Chief Cameron Fisher has been promoted to Executive Director of the New Mexico Organized Crime Commission. Congratulations to both.

COLORADO

Congratulations to Roger Morris and Dave Reitz. Chief Morris was appointed Director of the Colorado Gaming Division in June, 1991. In November, 1991, Dave Reitz was appointed Chief of the Liquor Enforcement Division of the Colorado Department of Revenue.

Colorado now allows the presentation of evidence by neighborhood associations at local hearings to determine whether an applicant should be granted a malt beverage license.

The Colorado State Budget Committee is reviewing the feasibility of doing away with the state licensing function. It has been proposed that local governments be responsible for all licensing functions.

DELAWARE

Chief of Enforcement Dick Strycharz advises server training for on-premise location servers is now required in Delaware. Since July 1, 1991, 2500 servers have been trained. Four agents are assigned full time to present the four hour programs, and they are booked solid through mid May 1992.