



NLLEAGRAM

National Liquor Law Enforcement Association

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Message from the President

Dear Fellow NLLEA Members,

My greetings to you on the beginning of this year, A.D. 2003, a year of great promise and opportunity. I trust that the year has begun in only the best ways for you—with enthusiastic self-motivated co-workers and a bulging budget surplus. Well, with happy staff, at least.

The NLLEA continues to mature and grow. In early December 2002, a meeting of the Board of Directors and NLLEA's Advisory Board was held in northern Virginia. At the meeting, the Advisory Board proposed various important changes to the NLLEA's constitution and membership by-laws. As directed by the attendees of the 2002 conference, the proposed changes were approved in the **NLLEA's first-ever electronic vote**. The amendments, approved by you, include the creation of Agency Memberships and Individual Memberships (which removes the somewhat confusing multiple classes of Regular Members), adjustment of membership fees, and allowance of one vote per represented Member Agency. Our newly amended constitution and by-laws are posted at www.nllea.org/bylaws.htm. Please take a few minutes to review this important document, as you will need to be aware of the membership structure and fee changes to properly submit for renewal of your membership in 2003.

Also, as a result of our December meeting, four committees have been

created to provide needed oversight and continuity to certain NLLEA responsibilities. These are:

I. Constitution and By-laws Committee

...to solicit, review, and propose amendments to the constitution and by-laws consistent with the needs of the NLLEA. *Chaired by Aidan Moore, New Hampshire.*

II. Membership Committee

...to recruit and review applications of those persons or agencies to determine eligibility for membership and to develop and maintain membership recruitment material and other information. *Chaired by Rick Phillips, Washington.*

III. Awards Committee

...to recommend annual recipients of the Liquor Enforcement Agency of the Year, the Liquor Enforcement Officer of the Year, the John W. Britt Community Service Award, and the Most Innovative Liquor Law Enforcement Program. *Chaired by Lynn Cayford, Maine.*

IV. Training and Education Committee

...to enhance the standards and provide quality training in the unique area of liquor law enforcement. *Chaired by Roger Johnson, Wisconsin.*

I have asked the Committee Chairs to solicit assistance from the membership

as each sees fit. I am confident in their abilities and dedication to the NLLEA, and I know each Committee will be successful.

In January, NLLEA VP Lynn Cayford and I participated in the initial "**Law Enforcement Executive Forum**". Coordinated by Bill Patterson and Corina Solé Brito of PIRE, this event brought together representatives of the major national law enforcement organizations to discuss common concerns regarding alcoholic beverage issues. The NLLEA, as a co-host at the event, acted as facilitator and national expert on liquor enforcement issues/policies.

Please begin making plans to attend or send students to the **2003 NLLEA Training Academy** in Virginia. Chuck Conkling has posted information on the academy on our web page, and relevant information can be found inside this newsletter as well. Chuck and his co-instructors work diligently to present excellent training. After all, money spent on training is money saved.

Lastly, our **2003 National Conference** has begun to take shape. We will be meeting in conjunction with the OJJDP Leadership Conference, which is planned for mid-September in Atlanta, Georgia. I know you will be pleased with the conference hotel (at government rates), the training opportunities, and the hospitality of Atlanta. Prepare to meet and greet a lot of people—over 800 attended OJJDP's 2002 Leadership Conference last year.

"Opportunity makes the man" is an old saw. This coming year is quickly filling with opportunities for our association; let's make the best of them!

Be safe,



David Wilson
President, NLLEA

What's New

NLLEA Membership Changes Approved!

In the NLLEA's first ever electronic vote, NLLEA members recently approved the Board's proposed membership by-law amendments. The changes, originally discussed at the 2002 Annual Meeting and developed to completion in a December 2002 Board meeting, are designed to expand membership and broaden the organization's capacity.

The amendments revise the previous membership structure, and create 4 categories of membership; Agency Membership, Individual Membership, Associate Membership and Life Membership. An Agency Membership, which carries an annual fee of \$200.00, allows any Liquor Law Enforcement Agency to join and designate up to four (4) individuals as representatives of the agency to the NLLEA. Each agency is entitled to one vote, to be cast by one of the four designated representatives of the agency. An Individual Membership is offered to any Law Enforcement or Regulatory Personnel who enforces liquor laws and is not otherwise designated a representative by his/her agency. Individual Membership carries with it a \$20.00 annual fee, and does not grant eligibility to hold office in the Association or vote. Associate Membership is offered to any other individual that the NLLEA accepts as a member, and costs \$50.00 annually. As with the Individual Membership, Associate Members are not entitled to hold office or vote. Life Membership, which remains unchanged, includes individuals that are voted honorary lifetime members of The Association by the membership, and does not carry any annual fees.

For more detailed information, the amended by-laws are posted online at www.NLLEA.org/bylaws.htm, and NLLEA members are encouraged to review the changes. Also, the time to renew your NLLEA membership

is fast approaching, so be sure to discuss and review the new membership options with your department or supervisor! Membership forms will be mailed out within the next few weeks.

2003 NLLEA Training Academy

This year the NLLEA Training Academy will be held in **Portsmouth, Virginia**. It begins on **Sunday, May 18th and ends with graduation on May 23, 2003**. The Academy will be held at the **Renaissance Portsmouth Hotel**, located at



The Renaissance Portsmouth Hotel

425 Walker Street, Portsmouth, VA. This is a beautiful location in the Tidewater area of Virginia. Chris Curtis, Shawn Walker, and David Huff with the Virginia ABC are working hard to surpass the hospitality of Texas ABC last year in El Paso and make this academy a success.

The curriculum will be modified this year in order to expand several classes. Phase I & II will be basically the same but will be renamed the Basic and Advanced Phases. Phase III will be the Technology Phase and will be comprised of the Video Gambling class and an expanded Electronic Surveillance class. This will allow hands on instruction with much of the electronic equipment. The Leadership class has been expanded into a fourth phase and is targeted toward first line supervisors, especially those who have recently

been promoted. The class is open to everyone, as seats are available, but those currently in supervisory positions will be given priority.

The instructors presenting these classes are recognized as training experts by their respective agencies and have many years of experience. The Academy is an opportunity for officers to receive excellent training from instructors who understand the unique challenges that accompany enforcing alcoholic beverage laws.

The room rate is \$89.00 per day for single and double rooms and is subject to normal hotel and local tax, which is currently 12.5%. The *Renaissance Portsmouth* Reservation number is 888-839-1775. **The rooms must be reserved by April 15, 2003 to secure this rate.** When reserving rooms, please use the code "LLNLLNA", to ensure the proper room rate. For more information regarding the hotel, visit their website at www.portsmouthrenaissance.com. The registration fee for the 2003 NLLEA Training Academy is \$350.00.

The complete agenda, applications and transportation request forms have been mailed out as well as posted on the NLLEA website. Please contact **Chuck Conkling** at cconkling@cwcinva.com if you have any questions or suggestions regarding the Academy.

Seizure of Untaxed Tobacco in Georgia

The Georgia Division of Alcohol and Tobacco seized approximately 140 cartons of cigars, valued at \$40,000, from Hyun Chul Shin on September 16, 2002 at Bethel Trading Company in Doraville, Georgia.

Mr. Shin was charged criminally with possession and sale of untaxed tobacco, a

felony. The charges are still pending, but if he is convicted Mr. Shin could be sentenced to up to 5 years in prison. Mr. Shin was also issued

administrative citations for the same offense and for failing to file required tax returns. These administrative citations were heard by a Departmental Hearing Officer, wherein Mr. Shin signed a Consent Order requiring him to make tax payments and file tax returns regarding the untaxed and seized tobacco products. As of January 14th, Mr. Shin had not complied with this Consent Order. The Georgia Division of Alcohol and Tobacco is now before the Administrative Hearing Officer seeking the revocation of Mr. Shin's license to sell tobacco products, and plans to request a lien be placed on the property for the outstanding taxes.

The seizure of untaxed tobacco and subsequent proceedings involving Hun Chul Shin reflect a broader challenge that the Georgia Division of Alcohol and Tobacco faces. Since neighboring Florida does not tax cigars, and Georgia's tax on cigars is 13% of wholesale value, the Georgia Division of Alcohol and Tobacco must deal with individuals smuggling untaxed tobacco products from Florida into Georgia.

Ronald Johnson, Director of the Division of Alcohol and Tobacco at the Georgia Department of Revenue, comments that "The statutes and penalties in place are effective in discouraging casual smugglers and organized enterprises from transporting and possessing untaxed tobacco products. In the case of a small distributor or a retailer, possession of more than a few boxes could result in a substantial assessment of fines, and as a result distributors do not routinely engage in this type of activity. However, in the uncommon circumstance that the statutes and penalties are insufficient deterrents, as in the alleged case of Mr. Shin, tax, penalty and interest accruals can be substantial."

Offbeat News

"Some Days..."

Rob Shaw, Manager of the Liquor Enforcement Section for the Alcohol and Gaming Commission of Ontario, Canada, recently submitted his travel voucher for the December 2002 NLLEA Advisory Board meeting. Along with his voucher, he included an interesting and oddly humorous travel experience en-route back to Canada, which might provide some humorous relief for the weary travel warriors among us. In Rob's own words, here's the story:

"I enjoyed the meeting and found it very worthwhile in spite of the 6 hours I sat in the airport in Philly. After beating the odds and getting out of Dulles only 1 hr delayed by the snow when we landed in Philly, 2 County Sheriffs and a Parole Officer did a takedown on the tarmac of one of the passengers on my flight... this interested



Rob Shaw

the aircraft refueling truck driver so much that he drove into the wing of our airplane. Six hours later they found a plane to get us to Toronto. Some days..."

Hot Issues

Flavored Malt Beverages: Distilled Spirits or Beer?

By Jim Mosher

Flavored malt beverages (FMBs – sometimes referred to as “malternatives”) are a new category of alcoholic beverages that is raising concerns among regulators and public health groups. Developed by distilled spirits and beer companies, they often carry distilled spirits’ brand names (e.g., Bacardi Silver; Smirnoff Ice; Skyy Blue) but have been treated as a beer by state and federal regulators. The beer designation carries clear advantages in the marketplace. Unlike distilled spirits, beers are:

- Advertised widely on electronic media (since voluntary bans on distilled spirits advertising do not apply);
- Taxed at the substantially lower tax rates that apply to beer; and
- Available in a greater number of retail locations (since most states restrict distilled spirits sales more severely than beer sales).

Public health groups argue that distillers are using FMBs as a way to compete with brewers for the youth market. Their sweet, fruity flavor caters to youth taste; the advertising is youth oriented; surveys show that young people are more aware of the products and more likely to have tried them; and their advertisements use youthful themes and images.

Regulators Investigate Beer Classification

The production process used for most of the flavored malt beverages raise questions regarding their classification as a beer. The producers begin with a brewed malt beverage product, remove most or all of its taste and alcohol and then add “flavorings”. The flavorings include distilled alcohol. Ninety percent or more of the alcohol in the final

product is derived from a distilling rather than brewing process.

Surprisingly, in 1996, the U.S. Bureau on Alcohol, Tobacco and Firearms (ATF) reviewed the classification of FMB’s and held: “A malt beverage under the FAA Act may only contain alcohol which is the result of alcoholic fermentation at the brewery.” In the same ruling it announced its intention to issue regulations to implement its holding “in the near future.” Pending the completion of rulemaking, ATF stated that producers would be allowed to continue marketing FMBs as beer so long as the alcohol content was kept under 6 percent. ATF failed to conduct rulemaking during the ensuing six years. Then, in May 2002, it issued a statement reminding the producers of the 1996 ruling and stating a renewed intent to conduct rulemaking. This announcement has triggered considerable interest in the industry press and an intense lobbying campaign by producers concerned that an ATF rule requiring them to remove the distilled alcohol from FMBs or reclassify them as distilled spirits would “kill” the category. An ATF announcement of proposed rules is expected in the near future.

State Regulators Conduct Their Own Investigations

States have their own statutes defining beer and distilled spirits and have independent authority to make this determination. Many state statutes offer a clear distinction between the two types of alcoholic beverages: if the product contains any distilled alcohol, then it is a distilled spirit and not a beer. Tennessee is one such state, and its ABC Board has issued an initial ruling that FMBs should be classified as a distilled spirit, a ruling that has been appealed to an administrative law judge. If upheld, the products would come under the jurisdiction of the Board, taxes would increase significantly, and they

would be available only at liquor stores (and no longer stocked in grocery stores).

While other state regulators are watching the Tennessee case closely, many express a reluctance to apply their states' statutes to FMBs, believing that the controversy should be settled by ATF and a uniform national standard should be established. The Tennessee case suggests that other states would face intense industry opposition if they propose a reclassification.

The Producers Respond

Producers contend that state and federal regulators should treat FMBs as a beer despite the presence of distilled alcohol in the product. They have claimed that distilled spirits are transformed when they are added as a flavoring and lose the characteristics of spirits. Industry statements available to the public do not clarify why this alleged "flavoring transformation" should affect the interpretation of state and federal statutory definitions, although ATF is apparently reviewing this claim.

Implications for State Regulators

Although an ATF-sponsored national standard for FMBs has clear advantages, state regulators have been put in an uncomfortable position by ATF's long delay in taking action. Regulators are responsible for the enforcement of state laws, and it appears that in many cases producers are violating the laws. They received notice from ATF in 1996 that their products are distilled spirits and not beer under federal definitions, and ATF's analysis appears to warrant a similar conclusion under most, if not all, state laws. Excise taxes have not been collected, and the distillers have been able to market their brand names more effectively to youth audiences. State regulators must address the need for enforcement of their state's laws no matter how ATF ultimately answers the question: "Is it a beer or a distilled spirit?"

Seattle's Pioneer Square Considered as Potential Alcohol-Impact-Area

Pioneer Square is a 6 square block area on the south side of downtown Seattle, historically known for its high levels of inappropriate public behavior and seedy reputation. It is bordered on two sides by a football and baseball stadium and is filled with a unique blend of high-rise condominiums, artists' lofts, specialty stores, restaurants, night clubs, bars, low income housing and various resources for the homeless.

Historically the population in and around the Square had a high tolerance for the area's problems, which included aggressive panhandling, urination in public, public drunkenness and empty bottles and cans littering the area. With the recent influx of expensive housing, major new business and upscale stores, the tolerance level has seen a decline.

Additional attention was drawn to the Square during the 2001 Mardi-Gras celebration, which resulted in extensive and excessive drinking in the Pioneer Square area, home to many off- and on-premise alcohol establishments. In addition to rioting, looting, and destruction of property, one rioter was killed, and the evening's events brought the Pioneer Square issue to a head.

Previously, to combat the problems associated with Pioneer Square, the community in downtown Seattle worked on convincing alcohol retailers in the area to restrict the type and quantity of alcohol sold. In 1999, a "Prohibited Product List" was developed in conjunction with the surrounding alcohol retailers and the larger community. Specifically, products that contained 5.7% alcohol or higher and carried a wholesale cost of .04 cents/per ounce or less were placed on this list. In working with the liquor licensees, the community attempted to create a bond between the residents and business owners in Pioneer Square.

Unfortunately, voluntary compliance never reached higher than 90%, and without 100% compliance, businesses that complied lost money to businesses that refused to comply. The city did not have the authority to mandate compliance and the program was resultantly doomed to failure.

As a result, the city of Seattle petitioned the Washington State Liquor Control Board (WSLCB) to officially designate Pioneer Square as an Alcohol-Impact-Area (AIA). An AIA is defined as an area of a city or town that is experiencing significant problems with chronic public inebriation or illegal activity associated with alcohol sales or consumption. If the WSLCB recognizes Pioneer Square as an AIA, the Board would:

- give local jurisdictions more time to review liquor license applications
- restrict grocery and convenience stores from selling high octane/low cost beers and wines
- prohibit the off-premise sale of beer in single cans or bottles; and
- prohibit the off-premise sale of alcohol between the hours of 6 AM and 9 AM.

In November 2002, at the first public meeting for the proposed Seattle AIA, approximately ninety-five percent of the speakers spoke in support of the AIA. The only opposition came from alcohol retailers and alcohol industry lobbyists, who charge that the AIA will not prevent the problems in and around Pioneer Square.

Seattle must still document and prove its case. If they are able to do so as well as Tacoma, WA (previously designated an AIA by the WSLCB), the WSLCB feels that Pioneer Square is likely to be approved as an AIA. Assuming it is approved, Chief Rick Phillips anticipates that the WSLCB's enforcement efforts will be greatly aided in Pioneer Square. William Schrader, of the WSLCB, comments: "Once the Board approves the AIA, the

specific restrictions become a condition of licensing. At that time the liquor licensee is subject to Administrative Action for not complying with the restrictions. Agents of the Board would have jurisdiction over the failure to comply with the AIA restrictions."

The next Public hearing is set for February 6th, 2003 and the board is expected to make a decision within 30 days after the hearing.

NLLEA Members Testify for the National Academy of Sciences Committee on Underage Drinking

Between October 2002 and January 2003, the National Academy of Sciences (NAS) held a series of three meetings which constituted a convention of the **Committee on Developing a Strategy to Reduce and Prevent Underage Drinking**. The committee was charged with assimilating and producing a report which details a cost-effective strategy to reduce underage drinking.

In a November 2002 meeting, the Committee oversaw a public forum which drew together the testimony of a variety of experts on underage drinking, as well as other relevant stakeholders. As part of this public forum, NLLEA Members Chris Curtis, Director of the Law Enforcement Bureau at the Virginia ABC, and Murphy Painter, Commissioner of the Louisiana Office of Alcohol and Tobacco Control, provided detailed testimony regarding the history, challenges, methods and successes of combating underage drinking in their respective states. Greg Hamilton, Chief of Enforcement at the Texas ABC, provided a supporting letter and a written summary of the strategies and programs being implemented in Texas ("Combating Underage Drinking in Texas").

Murphy Painter discussed the challenges in Louisiana associated with a very low initial compliance rate, and indicated that ATC and Responsible Vendor Programs had decreased non-compliance from a staggering 58% in 1996 to an impressively low 5.6% in 2002.

Chris Curtis provided an overview of the relationship between drinking and crime fatalities in Virginia. He also described Virginia's underage buyers program, and the resultant reduction in non-compliance rates from upwards of 30% down to 24% in just one year. In an interview regarding his participation at the meeting, he commented: "What I hope is that our testimonies will help the NAS develop a comprehensive strategy for controlling underage drinking."

The Committee's final report is tentatively scheduled to be released in June 2003. For more information concerning the Committee on Developing a Strategy to Reduce and Prevent Underage Drinking, please visit www4.nas.edu/cp.nsf/Projects+_by+_PIN/BCYF-I-02-01-A, or contact Mary Ellen O'Connell at moconnel@nas.edu.

On The Legal Side

"Do You Have the Power?"

By Aidan Moore

That was the question for the Court in the case of *State v. Droste*; 697 N.E.2d 620 (1998) when agents of the Ohio Investigative Unit, of the Ohio Department of Public Safety, executed a motor vehicle stop near the end of their shift on February 24, 1996. In examining the appeal of the State, the Court examined the "police power" provisions under which the agents operated. The Court noted that the two issues before the bench were (1) whether liquor control agents have the authority to stop an individual for violating

traffic laws, and (2) if the liquor control agents did not have the authority to make a traffic stop, whether all evidence derived from the stop ought to be suppressed.

Facts of the Case

Agents Michael Betts and Philip Williams, of the Ohio Department of Liquor Control, were driving on State Route 315 in Columbus, Ohio when a vehicle traveling at approximately ninety to one hundred miles per hour passed them. The agents observed the vehicle move from the center lane to the left lane without a turn signal, almost striking the agents' vehicle, abruptly slow down for a vehicle in the left lane, then move back into the center lane without a turn signal. The agents continued to observe the vehicle while they reported their observations and location to the Law Enforcement Emergency Radio Network ("LEERN"), a city and state law enforcement radio system. Soon after, the vehicle stopped at a traffic light and the agents were able to note the vehicle's license plate number and positively identify the driver and the vehicle's three other occupants.

The vehicle then exited State Route 315 at Lane Avenue and stopped at a traffic light. Just after the vehicle stopped at the light, the agents received a request over LEERN to stop the vehicle and inform the occupants that a marked law enforcement car was on the way. The agents exited their vehicle and approached the other vehicle. They identified themselves as police officers, and asked the driver for his name and identification. The driver, Brian A. Droste stated his name and age. Agent Betts noted an odor of alcohol about Droste and asked him to exit the vehicle. Betts observed that Droste needed to use the vehicle for support when he exited the vehicle. Betts read Droste his Miranda rights and then asked Droste how much he had had to drink. Droste responded that he had drunk several glasses of gin. Betts determined that Droste was underage and arrested him for underage drinking.

Meanwhile, Officer Lagore, of the Columbus Police Department, responded to the request

he had received over LEERN to assist the liquor control agents. Lagore himself had not made the original request that the agents stop the vehicle. Lagore arrived on the scene after Droste had exited the vehicle and the agents had arrested him for underage drinking. The liquor control agents informed Lagore of their observations: the vehicle's high rate of speed and the erratic driving and weaving. Lagore asked Droste whether Droste had been driving the vehicle and Droste responded, "yes." Lagore could smell alcohol on Droste and asked whether he had been drinking. Droste confirmed that he had been drinking earlier in the evening.

Agent Williams then performed a field sobriety test on Droste, under Lagore's observation. Droste performed poorly on these tests, and Lagore arrested him for operating a motor vehicle while under the influence of alcohol ("OMVI") and reckless operation. Lagore then transported Droste to Columbus police headquarters, followed by the two liquor control agents, where Droste submitted to a breathalyzer test, resulting in a blood-alcohol content level of 0.124 percent.

Lagore charged Droste with operating a motor vehicle while under the influence of alcohol, a violation of R.C. 4511.19(A)(1) and (B)(2), and for reckless operation, a violation of Columbus City Code 2133.02(A) (later amended to charge a violation of the comparable state statute, R.C. 4511.20). Agent Betts charged Droste with underage drinking, a violation of R.C. 4301.632.

On April 9, 1996, Droste filed motions with the court to suppress evidence and to dismiss the charges. On June 26, 1996, the trial court denied both motions. Droste pled no contest to one count of OMVI and to the count of reckless operation. The trial court dismissed the remaining charges. Droste appealed the trial court's decision, asserting that the liquor control agents did not have jurisdiction to stop his vehicle, and therefore all evidence obtained subsequent to the traffic stop should be suppressed. On April 1, 1997, the court of appeals reversed the conviction.

Legal Analysis

The Court noted the statutes controlling in this case¹ (see footnote on next page) and discussed the legislative intent behind the statute. "In R.C. 5502.61(C), the General Assembly listed the specific criminal violations that it authorized liquor control investigators to enforce: any violation under R.C. Title 43, and specific violations under R.C. Titles 29 and 45, (fn2) if the investigators witnessed the commission of the offense during an investigation or the enforcement of an offense described in R.C. Title 43. Traffic offenses (other than R.C. 4507.30), including the offense of OMVI (R.C. 4511.19) are not listed and therefore the General Assembly did not envision liquor control agents routinely enforcing the traffic laws. Additionally, in the case sub judice, the agents were not in the process of investigating or enforcing an R.C. Title 43 offense when they saw appellee driving erratically, and thus they did not have authority to stop him." The Court concluded that the authority granted in R.C. 5502.61 to liquor control agents to investigate and enforce offenses under R.C. Title 43 and certain offenses under R.C. Title 29 and Title 45 does not confer authority upon a liquor control agent to stop a driver for violating traffic laws, if the agent was not in the process of investigating one of the offenses listed in R.C. 5502.61. See, generally, *Cincinnati v. Alexander* (1978), 54 Ohio St.2d 248, 254, 8 O.O.3d 224, 227, 375 N.E.2d 1241, 1245, and at syllabus; *State v. Holbert* (1974), 38 Ohio St.2d 113, 116-117, 67.

The Court acknowledged the Ohio General Assembly did provide a limited circumstance under which liquor control agents may involve themselves in the enforcement of other, non-listed offenses; when rendering assistance to state or local law enforcement officers or in an emergency [R.C. 5502.61(D)]. In the case sub judice, there is no supportable evidence in the record to support the supposition that a state or local law enforcement officer had requested assistance or that the situation constituted an emergency.

The Court, however, did find probable cause by the Columbus officer to arrest Droste. Lagore testified that when he arrived on the scene, the liquor control agents told him of the vehicle's excessive speed and of Droste's erratic driving and weaving and that he could smell alcohol on Droste. Upon questioning, Droste admitted that he had been driving the vehicle and that he had been drinking earlier in the evening. Droste subsequently failed the field sobriety tests and therefore the Court held that Droste did not suffer any deprivation of his rights under the United States' or Ohio's Constitution.

Summary

With the great degree of diverse police power statutes under which liquor enforcement officers operate, it is critical for all officers to understand the limits of their lawful authority to avoid both personal liability and liability for their employer.

The NLLEA would like to thank the following contributors:

Chuck Conkling

Chris Curtis

Joel Grube

Ronald Johnson

Aidan Moore

Jim Mosher

Rick Phillips

William Schrader

Rob Shaw

David Wilson

If you are aware of recent or upcoming local, state or national Liquor Law Enforcement issues, events or stories, and would like to see them covered in the next NLLEA newsletter, please forward your story, along with any relevant materials, to:

Rebecca Ramirez

rramirez@pire.org

(301) 755 - 2761

(301) 755 - 2799 (Fax)

¹ R.C. 5502.61(C) and (D)(fn1) set forth the authority granted by the legislature to liquor control investigators:

“(C)(1) A liquor control investigator, on any retail liquor permit premises or any other premises where a violation of Title XLIII of the Revised Code or any rule adopted under it is occurring, has the authority vested in peace officers under section 2935.03 of the Revised Code to keep the peace and to enforce and make arrests for those violations. A liquor control investigator may also execute search warrants and seize and take into custody any property relating to any of those violations.

“(2) A liquor control investigator who is on, immediately adjacent to, or across from a retail liquor permit premises and is performing investigative duties relating to that premises or who is on a tract of land that is not a liquor permit premises but where violations of Title XLIII of the Revised Code allegedly are occurring, or who is in view of a suspected violation of Title XLIII of the Revised Code, has the authority to enforce that title and sections 2903.12, 2903.13, 2903.14, 2907.09, 2917.11, 2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.13, and 4507.30 of the Revised Code if the offense is witnessed during an investigation of or the enforcement of an offense described in Title XLIII of the Revised Code. Nothing in this section shall be construed to supersede or curtail local law enforcement.

“(D) A liquor control investigator may render assistance to a state or local law enforcement officer at that officer's request or in an emergency. A liquor control investigator who renders assistance authorized by this division to a state or local law enforcement officer shall be considered as performing services within the scope of the investigator's regular employment.”