

Utah Department of Alcoholic Beverage Control

Private Club Regulation

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The Role of the Compliance Division

- Compliance specialists visit each club at least once a year and review compliance with the alcoholic beverage laws.
- The purpose of each compliance visit is to check alcoholic beverage service procedures, and various record keeping requirements (i.e. memberships, financial, server training and liquor dispensing).
- The goal is to help clubs understand the alcoholic beverage laws in order to prevent violations from occurring.
- If there are compliance deficiencies, we will give the clubs the information and guidance they need to correct the deficiencies. If not corrected, the deficiencies can be referred to the commission for a violation hearing which can result in a fine and/or license suspension or revocation.
- We offer training to the private club owners, management, and staff on the liquor laws in order to help them understand and to be in compliance with the laws and rules.

Utah Code Annotated Section 32A-5-107(14)(d): The department shall audit the records of the private club licensee at least once annually.

We notify the club in advance and send an "audit/visit letter" that states the purpose of the visit and what we will be reviewing.

This is a typical audit/visit letter:

Dear _____,

I have scheduled our annual club compliance review meeting to take place on **Thursday, August 16, 2007 at about 1:30 p.m.** at your premises to review compliance with the liquor laws and answer any questions you and your staff might have. Please have on hand the items checked below:

- ☒ 1. Monthly profit and loss statements for: 4th quarter or year end, 2006
- ☒ 2. Bank statements, check register & canceled checks for: May and June, 2007
- ☒ 3. Minutes of the governing board's membership approval meetings.
- ☒ 4. Current membership list, application records and forms.
- ☒ 5. Visitor card records and forms (if applicable).
- ☒ 6. Liquor dispensing records for the last two weeks
- ☒ 7. Alcoholic beverage price list as part of your House Rules
- ☒ 8. Copy of Bylaws of the Wells Club Inc, non-profit corporation (sample enclosed)
- ☒ 9. Copy of current lease between landlord and tenant
- ☒ 10. Copies of quarterly (or monthly) state tax returns - (TC-61 and TC 61F or V) for the 1st Quarter 2007
- ☒ 11. Dispensing system calibration check
- ☒ 12. State and local licenses posted
- ☒ 13. Warning sign posted
- ☒ 14. Storage areas / premise check
- ☒ 15. Current certificate of insurance [☒] General Liability [☒] Liquor Liability
- ☒ 16. Updated Alcohol server training records for any changes since last May, 2007.
- ☒ 17. Copy of _____ Server training card.
- ☒ 18. Copy of _____ local 2007/2008 business/alcohol license
- ☒ 19. Optional staff training
- ☒ 20. Criminal history background checks for _____

Our meeting should not last longer than one hour. If you are not able to personally meet with me, please have a responsible person available. Thank you in advance for your time.

Sincerely,

Licensing and Compliance Division

On-Premise Alcohol Server Training

Who has to take the seminar?

- Every individual who is employed to:

[A] sell or furnish alcoholic beverages to consumers for consumption on the premises, or
[B] manage or supervise the service of alcoholic beverages;
must complete an Alcohol Server Training and Education Seminar.

- Alcohol servers, managers, and supervisors must take and pass the seminar every three years.
- Persons holding an ownership interest in an on-premise licensed establishment must also take the seminar if they perform duties as a manager, supervisor, or server.

What Students Learn

- The subjects taught in the seminar include:

[A] Alcohol as a drug and its effects on the body and behavior.

[B] Recognition of the problem drinker.

[C] An overview of Utah alcohol laws.

[D] Dealing with problem customers.

[E] Discussing alternative means of transportation for customers who need help safely arriving at home.

When must the class be taken?

- Managers, supervisors, and servers must complete the training within 30 days of commencing employment.

Typical Training Session for Club Management and Staff

- **Philosophy of the DABC**
- **Role of licensing and compliance**
- **Role of liquor law enforcement (state and local)**
- **Recent violations (handout #1 and #2)**
- **Violation prevention (handouts #3 and #4)**
- **Responsible service of alcohol (handout #5)**
- **Private Club Quiz (handouts #6 and #7)**

Handout #1

Winter 2008/2009

Violations and Penalties

by Chris Johnson

Below is a list of the most recent violations and penalties assessed for all licensees. Please review the violations listed below with your staff to prevent similar violations from occurring in your own establishment. As you can see by the number of alcoholic violations listed, law enforcement agencies have been very active. PLEASE BE CAREFUL!!

CL = Private Club Liquor BE = On-Premise Beer TV = Taverns * = Prior Violation History
 RE = Full Service Restaurant RL = Limited Service Restaurant TB = Temporary Beer Permittees
 SE = Single Event Permittees BW = Beer Wholesaler AL= Airport Lounge

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
CL	Other End, Heber and Lyndsie Peterson (employee)	1. Sale to intoxicated persons 2. Sale to minors & minors on the premises of a class "D" club 3. Non-member entry & sale 4. No ID badge	1. Dismissed 2. 5 day license suspension 3. Fine of \$250.00 plus costs
CL	Lumpy's Downtown, Salt Lake and "Sherry" (employee)	1. Sale to intoxicated persons 2. More than 2 A/B at a time before a patron & more than 2.75 oz. liquor at one time before a patron	1. 10 day license suspension 2. Fine of \$1,000.00 plus costs 3. Dismissed
CL	Down Under Club, Bountiful	1. Sale to minors & minors on the premises of a class "D" club	1. Fine of \$1,200.00 plus costs
CL	New Cassidy's Club and Amber R Christensen (employee)	1. Sale to minors & minors on the premises of a class "D" club 2. Non-member entry & sale	1. Fine of \$1,000.00 2. Fine of \$250.00 plus costs
TV	Circle Inn, Sunset and Bradley M Wood (employee)	1. Sale to minors & minors on the premises of a class "D" club 2. Allowing patrons to leave with open containers	1. Fine of \$1,000.00 2. Fine of \$700.00 plus costs
BE	Gladstan Golf Course, Payson and Whitney Hathaway and Randy Pearson (employees)	1. Untrained servers 2. No ID badge	1. 3 day license suspension 2. Fine of \$100.00 plus costs
RE	Mountain House Grill, Midway and Brit Cummings (employee)	1. Sale to minors 2. No ID badge	1. 5 day license suspension plus costs 2. Written warning
CL	Club Manhattan, Salt Lake	1. Minors on the premises of a class "D" club	1. 5 day license suspension plus costs
CL	Bliss, Salt Lake	1. Allowing patrons to have more than 2 A/B at a time 2. Promotion offering free A/B 3. Non-member entry & sale	1. Fine of \$500.00 2. Fine of \$500.00 3. Fine of \$250.00 plus costs
CL	Hotel, Salt Lake	1. Promotion offering free A/B 2. Non-member entry & sale *	1. Fine of \$500.00 2. Fine of \$750.00 plus costs
RE	Players Sports Grill, St George and Karen Buschman (employee)	1. Sale to minors	1. Fine of \$1,000.00 plus costs
TV	Timpanogos Tavern, Heber and Cindy P Rogers (employee)	1. Sale to minors & minors on the premises of a tavern	1. Fine of \$1,000.00 plus costs
CL	W Lounge, Salt Lake and "Nicole", Brian Palmer and Casey Staker (employee)	1. Allowing patrons to leave with open containers 2. Non-member entry & sale	1. Dismissed 2. Fine of \$250.00 plus costs

Handout #2

Violation Penalty Ranges

The following table summarizes the penalty ranges for licensees and permittees.

Violation Degree and Frequency	Warning Verbal/Written		Fine \$ Amount	Suspension No. of Days	Revoke License
Minor					
1st	X	X			
2nd			100 to 500		
3rd			200 to 500	1 to 5	
Over 3			500 to 25,000	6 to	X
Moderate					
1st		X	to 1,000		
2nd			500 to 1,000	3 to 10	
3rd			1,000 to 2,000	10 to 20	
Over 3			2,000 to 25,000	15 to	X
Serious					
1st			500 to 3,000	5 to 30	
2nd			1,000 to 9,000	10 to 90	
Over 2			9,000 to 25,000	15 to	X
Grave					
1st			1,000 to 25,000	10 to	X
Over 1			3,000 to 25,000	15 to	X

Minor Violations. Violations of this category are lesser in nature and relate to basic compliance with the laws and rules.

Moderate Violations. Violations of this category demonstrate a general disregard for the laws or rules.

Serious Violations. Violations of this category directly or indirectly affect or potentially affect the public safety, health and welfare, or may involve minors.

Grave Violations. Violations of this category pose or potentially pose, a grave risk to public safety, health and welfare, or may involve lewd acts prohibited by title 32A, fraud, deceit, willful concealment or misrepresentation of the facts, exclusion of competitors' products, unlawful tied house trade practices, commercial bribery, interfering or refusing to cooperate with authorized officials in the discharge of their duties, unlawful importations, or industry supplying liquor to persons other than the department and military installations.

The following table summarizes the penalty ranges for officers, employees, or agents of licensees and permittees.

Violation Degree and Frequency	Warning Verbal/Written		Fine \$ Amount	Suspension No. of Days
Minor				
1st	X	X		
2nd		X	to 25	
3rd			to 50	1 to 5
Over 3			to 75	6 to 10
Moderate				
1st		X	to 50	
2nd			to 75	3 to 10
3rd			to 100	10 to 20
Over 3			to 150	15 to 30
Serious				
1st			to 100	5 to 30
2nd			to 150	10 to 90
Over 2			to 500	15 to 120
Grave				
1st			to 300	10 to 120
Over 1			to 500	15 to 180

Violation examples:

failure to wear name badge	=	minor
unlocked liquor storage after or before legal hours	=	moderate
no food available during the hours alcohol is sold	=	moderate
sale of an alcoholic beverage to a minor	=	serious
consuming alcohol while on duty	=	serious
sale of alcohol to an intoxicated person	=	grave

Handout #3

Three Shots and You're Out

by Abe Kader

In the past year there have been 12 reported violations issued to private clubs for allowing a patron to have more than two alcoholic beverages at a time and to have more than 2.75 ounces of spirituous liquor at a time before the patron. In one case the patron bought five shots of liquor at the bar and took them to his table for himself.

This type of violation is classified as a "Serious" offense.

The penalty range for a serious violation for a first offense is a 5 to 30 day license suspension and/or \$500 to \$3,000 fine. A second serious violation is a 10 to 90 day license suspension and/or \$1,000 to \$9,000 fine and a third serious violation is a 15 day suspension to revocation and/or \$9,000 to \$25,000 fine.

The law states that "Each club patron may have no more than 2.75 ounces of spirituous liquor at a time before the patron" UCA 32A-5-107 (25) (c) and "Each club patron may have no more than two alcoholic beverages of any kind at a time before the patron." UCA 32A-5-107 (20) (c)

Employees may also be cited for these violations. The penalty range for employees for a first offense is a 5 to 30 day employment suspension and/or up to a \$100 fine. A second offense is a 10 to 90 day suspension and/or up to a \$150 fine and a third offense is a 15 to 120 day suspension and/or up to a \$500 fine.

If a patron orders more than two drinks at a time, your club should have some policies in place to make sure that the bartenders confirm that a multiple drink order is not for just one patron. In essence, it is risky to allow one patron to determine how many drinks are served to other patrons in your bar.

It is the server's, bartender's, and ultimately management's responsibility to monitor the number of drinks and quantity of spirituous liquor that patrons have before them.

If a patron orders more than two drinks at a time, you should have policies in place to confirm that a multiple drink order is not for just one patron.

Here are some suggestions:

➤ Do not serve more than two drinks at a time to a patron. This is the simplest policy and pretty much assures compliance. Of course the bartender may have to assess whether the patron *should* be served two drinks as opposed to one at a time.

➤ Have the patron tell you how many people the round is for and point them out. The bartender may be able to see if there are already drinks on the table. A problem with this policy is that some of the people at the table may have consumed too much and should not be served any more alcohol. If it is early in the day/evening and it is the first round, it may not be a problem.

➤ Have the patron bring the people to the bar that he/she is ordering for. The bartender may be able to determine if there are any suspected minors or intoxicated people in the group.

It may be cheaper to lose out on the sale of a couple of drinks compared to the amount of a fine or the cost of a license suspension if you are cited for serving too many drinks at a time to one person. One shot is ok, two shots may be ok, but three shots and you're out of compliance. To have policies in place could be very helpful especially if it gets very busy or the club is understaffed.

If you establish some policies and follow them, you could reduce your chances of being cited with a violation.

Handout #4

All employees....not just one.....

By Stephne Pilling

We are reminding all of the licensees that it is for your own protection, safety, and security that you comply with the law that prohibits employees, while on duty, from consuming an alcoholic beverage or from being intoxicated.

We have seen situations where the bar gets busy and the *off-duty* personnel, including managers, owners and staff who have been

consuming alcohol at the premises, have gone behind the bar to help change a keg, wait on a customer, change a cash register tape, or just get ice....you get the picture. In these instances, the bar was cited for allowing an employee to consume alcohol while on duty.

The establishment can still be cited even though the person consuming alcohol did not clock in,

or was not being paid; the law does not differentiate between paid and unpaid "employees". The person just has to get involved in activities that are normally done by on-duty employees.

And keep in mind..... If a license is suspended, it's tough on *all employees* to be shut down for a violation.♦

Open Container – To Go?

By Al Potvien

Recently, we have been receiving far too many reports from law enforcement against our licensees for allowing patrons to leave with open bottles of beer. The law states that a licensee/permittee and its employees may not permit a patron to carry from the premises an open container that is used primarily for drinking purposes and contains any alcoholic beverage.

The cases we are getting typically involve undercover officers who openly, and in plain view, leave with open containers. The officers are not sneaking out with the beverages. Rather, they typically hold the beverage in front of them above their waist in an effort to draw an employee's attention to it. They attempt to establish eye contact with an employee, and in some instances even engage the employee in conversation before exiting the premises with the beverage.

The law does allow on-premise beer retailers, taverns, private clubs and restaurants to sell 3.2% beer to go in sealed containers. However, this law does not allow patrons to leave with open containers of alcohol. Also, remember that in restaurants that hold either a full service liquor license or limited (wine/beer) license, patrons must also meet the "dining" requirement that alcoholic beverages may only be purchased in connection with an order for food prepared, sold and served at the restaurant.

We urge door persons, hosts, hostesses, servers, and other employees to carefully monitor patrons as they leave to ensure that they do not leave with open containers of alcohol. We also urge licensees to make sure you have sufficient staff to monitor the exit doors of your business.♦

The officers are not sneaking out with the beverages. They hold the beverage in front of them in an effort to draw an employee's attention to it.

Handout #5

Preventing Intoxication

by Neil Cohen

This newsletter's Violations and Penalties section shows several violations involving the "sale to intoxicated persons" and the penalties are quite severe. This article is directed to on-premise sellers of alcohol to express the need for licensees to reinforce their efforts in preventing intoxication.

Most people use alcohol responsibly. But no doubt, you have experienced patrons whose sole purpose is to go out and get drunk in order to have a good time. As a seller of alcohol, you have a legal responsibility not to over-serve your patrons. You have a duty to keep your guests on the safe side of social drinking.

It is against the law to serve someone to the point of intoxication and it is against the law to serve alcohol to an intoxicated person. If you do, you could be charged criminally with a class A or B misdemeanor. You could also be sued civilly if the intoxicated person injures someone.

To help prevent intoxication on your premises, all employees and their supervisors must take and pass a class that teaches the responsible service of alcohol.

These classes must cover and concentrate the instruction in these areas:

- how to recognize the signs of intoxication
- how to assess a patron's level of intoxication
- how to handle and deal with patrons who must be slowed down or cut off
- how to keep patrons who may have drunk too much from driving

Server training classes are widely available throughout the state and on-line. The classes are taught by private providers (SII, SMART, TIPS, learn2serve.com, TEAM, and others). A list of approved programs is available on line at: <http://www.dsamh.utah.gov/stateapprovedproviders.htm>

Over-service of alcohol to the point of intoxication is classified as a "grave" violation of Utah law. For a first offense, in addition to the criminal penalties, licensees can face administrative penalties that start at a 10 day suspension of the license and/or a fine of \$1,000. Depending on any aggravating circumstances, the penalty can range all the way to revocation of the license and a fine of up to \$25,000. An employee who serves an intoxicated patron can be fined up to \$300 and suspended from work for 10 to 120 days.

Do your best not to over-serve your patrons. Use intervention techniques that are taught in the classes such as:

- keeping track of how much your patrons have been served;
- Slowing down service;
- Offering food or nonalcoholic beverages;
- Serving water with drinks;
- Not encouraging reorders; and
- Cutting off service.

Use your best efforts to provide alternate means of transportation to get problem patrons home safely such as:

- Ask the customer to arrange alternative transportation;
- Call a taxi or transportation service;
- Arrange accommodations for the night; and
- Telephone the police if necessary.

You and your employees need to take and retake this class every three years. But don't wait three years to review the techniques. Establish house policies and hold regular training sessions with your employees and go over the steps you should be taking to prevent your patrons from becoming intoxicated.

People's lives depend on it.♦

Handout #6

Private Club Liquor License Summary

*Note: This is general information only and should not be considered conclusive.
For further detail, please consult Title 32A of the Utah Code or the Rules of the Commission.*

A private club liquor license allows the sale, storage, service, and consumption of alcoholic beverages (liquor, wine, heavy beer, and beer) on the premises of a private club. Licenses run from July 1 to June 30. The total number of licenses allowed by law is one per 7,850 people in the state.

There are four classes of private clubs

1. Class A includes equity clubs such as country clubs.
2. Class B includes mutual benefit associations that are organized under a lodge system such as fraternal or patriotic clubs.
3. Class C includes qualified dining clubs that maintain at least 50% of their club business from the sale of food and have adequate culinary facilities to serve full meals.
4. Class D includes any other club that does not qualify as a class A, B, or C club, such as a social drinking club that does less than 50% of its business from the sale of food.

Club Structure

- Licenses may be issued to sole proprietors, partnerships, corporations, or limited liability companies.
- A club must have a governing body comprised of at least three members that holds regular meetings to approve memberships (and conducts any other business required by the club's bylaws or house rules).

Membership Requirements

- Qualifications for membership are set in the club's bylaws or house rules, however a member must be an individual who is 21 years of age or older.
- *Membership Applications.* A club, in its discretion, may immediately admit an applicant and give him/her temporary membership privileges until the governing body of the club can meet to approve the membership (eliminates the 7-day waiting period). The applicant must pay an application fee which cannot be less than \$4 and the governing board must act on the application within 31 days. If the governing body approves the applicant, the \$4 application fee may be credited towards the membership dues. Note: Membership dues must still be at least \$1 per month or \$12.00 per year.
- A member's spouse is entitled to all rights and privileges of the member, except to the extent restricted by law (i.e. a spouse who is a minor, cannot be in a bar area, purchase or consume alcohol, etc.).
- A minor child of a member of a Class A club is entitled to all rights and privileges of the member to the extent permitted by the club's bylaws or house rules, except to the extent restricted by law (i.e. cannot be in a bar area, purchase or consume alcohol, etc.).
- A patron, in order to be admitted to or use the premises of a private club, and/or purchase alcoholic beverages at a private club, must be a club member, holder of a visitor card, or guest of a member or visitor card holder.
- *Membership Exceptions.* Non patrons such as employees, independent contractors, and entertainers may be on the club premises to perform their duties without having to be a club member, holder of a visitor card, or guest of a member or visitor card holder.

Visitor Cards

- Non members, at the discretion of a club, may purchase a **visitor card** for not less than \$4.
- The visitor card is good for up to three weeks
- No sponsorship is required.
- The visitor card holder may host up to seven guests.
- Minors may not be issued a visitor card.
- The entire amount of the visitor card fee is retained by the club.

Guest Hosting

- Guests must be
- 1. previously authorized by a member or holder of a visitor card (host);

2. known by the host based on a pre-existing bona fide business or personal relationship prior to the guest=s admittance to the club;
 3. accompanied by the host for the duration of the guest=s visit, and enjoy only those privileges derived from the host for the duration of the guest=s visit.
- The host must
 1. remain on the club premises for the duration of the guest=s visit; and
 2. be responsible for the cost of all services extended to the guest.
 - On duty employees may not
 1. act as a host for a guest, or
 2. attempt to locate a host for a guest with whom the host has no acquaintance based on a pre-existing bona fide business or personal relationship.
 - The club and its employees may not enter into an agreement or arrangement with a member or visitor card holder to indiscriminately host members of the general public into the club as guests.
 - If a guest is a member of the same fraternal organization as the Class B club, previous authorization by a host is not required.

Sale and Service of Alcoholic Beverages:

(1) Liquor Sales

- (a) The primary liquor in a mixed drink may be dispensed from any size bottle, but only in quantities **not to exceed** 1.5 ounces through a department approved calibrated metered dispensing system or device. The club must post a list of types and brands of liquor dispensed through the dispensing system.
- (b) Liquor used as a secondary flavoring need not be dispensed through the dispensing system. Liquor stored and used as flavorings must be clearly labeled "flavoring".
- (c) The total amount of spirituous liquor in a beverage (including both the primary liquor and any secondary flavorings) may not exceed 2.5 ounces of spirituous liquor.
- (d) Each patron may have no more than a total of 2.5 ounces of spirituous liquor (including flavorings) at a time before the patron.

(2) Wine Sales

- (a) Wine may be sold and served by the bottle or container in sizes not exceeding 1.5 liters to tables of four or more. For tables of less than four, the size can not be larger than 750 ml.
- (b) Wine may be served by the glass or individual portion in quantities not exceeding 5 ounces. An individual portion (i.e. "flights") may be served to a patron in more than one glass as long as the total amount of wine in the individual portion does not exceed 5 ounces. An individual portion of wine is considered one alcoholic beverage.
- (c) Wine may be poured by the glass from any size bottle or container and need not be dispensed through a dispensing device.
- (d) Unfinished wine may be removed from a club by a patron if the bottle is recorked or recapped.

(3) Heavy Beer Sales: Heavy beer may be served in original containers not exceeding one liter.

(4) Flavored Malt Beverage Sales: Flavored malt beverages may be served in original containers not exceeding one liter.

(5) Beer Sales: Light beer may be served in any size container not exceeding 2 liters and on draft. Beer may be sold by the pitcher (up to two liters) to two or more patrons, but may be sold to an individual patron only in a container that does not exceed one liter. Beer may be sold to go in sealed containers.

Limitation on Total Number of Drinks

- Each club patron may have no more than two alcoholic beverages of any kind at a time before the patron subject to the following limitations:

If two spirituous drinks are in front of a patron, one may not be the same primary liquor dispensed as a shot-on-the-side (previously referred to as a "side car"). Also, the two drinks can not contain a total of more than 2.5 ounces of liquor at a time before the patron.

Price List

- A private club must have readily available for its patrons a printed alcoholic beverage price list or menu containing current prices of all alcoholic beverages.

Discounting Practices Prohibited

- Liquor may not be sold at a discount at any time.
- Other discounting practices are prohibited that encourage over-consumption of alcohol (i.e. "happy hours", "two for ones", combination pricing, "all you can drink for a set price", free alcohol, or selling at less than cost).
- A private club licensee or employee may not purchase an alcoholic beverage for a patron.

"Brown Bagging"

- Patrons may not bring in or store alcoholic beverages on the premises, however at the licensee's discretion a patron may bring in bottled wine for consumption on the premises.
- Wine brought in must be immediately delivered to a server or an employee of the club.
- A wine service may then be performed, and patrons may serve themselves or others at the table.

Food Availability

- Clubs must offer a variety of food prepared and served in connection with dining accommodations.
- Food must be available at all times when alcohol is sold, served, or consumed.

Advertising

- Any advertising by a club, its employees, or persons under contract with the club (i.e. entertainers), must include the phrase, "a private club for members" to clearly identify the establishment as being a private club.
- Signs advertising the availability of alcoholic beverages may be displayed inside and outside the club.
- Alcohol advertising by the club must comply with the guidelines in Rule R81-1-17.

Advertising and Promotion of Memberships and Visitor Cards

- Clubs may advertise the availability and price of memberships and visitor cards.
- A private club, its employees, agents, members, or any person under contract or agreement with the club may not directly or indirectly engage in or participate in any public advertising or promotional scheme that:
 - (1) offers or provides complimentary club memberships or visitor cards to the general public;
 - (2) offers or provides full or partial payment of membership fees or dues, or visitor card fees to members of the general public;
 - (3) offers or implies an entitlement to a club membership or visitor card to members of the general public;or
 - (4) offers to host members of the general public into the club.
- However, a hotel that has a private club located in the hotel may assist the club in the issuance of a club membership or visitor card to a guest of the hotel under the following conditions:
 - (1) the guest has booked a room and is staying at the hotel;
 - (2) the costs of the membership application fee and membership dues or visitor card fee are paid for by the guest either as a separate charge, or as part of the hotel room rate;
 - (3) the private club receives payment for fees and dues for all memberships and fees for visitor cards issued to guests of the hotel;
 - (4) the hotel and the club shall maintain a current record of each membership or visitor card issued to a guest of the hotel as required by the commission which shall be available for inspection by the Department of Alcoholic Beverage Control; and
 - (5) the issuance of a membership or visitor card is done in accordance with the procedures outlined in 32A-5-107 (1) through (4) and (6).

Sales and Consumption Hours

- Alcoholic beverages may be sold on any day from 10:00 a.m. until 1:00 a.m.
- A patron may not remove an open container primarily used for drinking purposes and containing an alcoholic beverage, from the club premises.
- Clubs must remain open an extra hour after alcohol sales and service have ended to allow a patron to finish consuming any single drink purchased before sales ended. Clubs do not have to remain open after all patrons have vacated the premises, or during an emergency.

- *Hours of Consumption.* Consumption of alcohol in clubs is prohibited between the hours of 2 a.m. and 10 a.m.
- The liquor storage area must remain locked at times when liquor sales are not permitted.

Employees

- Any employee handling alcoholic beverages must be twenty one years of age or older.
- Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.
- Managers, supervisors, and employees who serve alcohol must take and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment.

Employee Fines

- The commission is authorized to assess an administrative fine against an officer, employee, or agent of a licensee for a violation of the alcoholic beverage laws.

Minors

- Minors *may not* be on the premises of a lounge or bar area of any club except in a Class D club when performing maintenance or cleaning services when the club is not open for business.
- Minors *may not* be on the premises of any club that provides sexually oriented adult entertainment.
- Minors **may** be employed by Class A, B, or C clubs, but may not work in any lounge or bar area, or sell, serve or handle alcoholic beverages.
- Minors **may** work at a cash register in a Class A or Class C club to ring up the sale of alcoholic beverages.

Minors in Class D Clubs

- Minors *may not* be on the premises of Class D (social drinking) clubs *except* under the following three exceptions:
 - 1) To dine or attend a function if all three of these conditions are met:
 - a) when no alcohol is sold, served, or consumed, but no later than 1 p.m.; and
 - b) when accompanied at all times by a parent, legal guardian, or spouse who is a member of the club or holder of a visitor card; and
 - c) the club has a full kitchen and is licensed by the local jurisdiction as a food service provider.
 - 2) Minors *may not* be an employee of a class D club *except* under either of the following circumstances:
 - a) The minor's parent or legal guardian owns or operates the club, provided that the minor is not employed to work in the lounge or bar area; or
 - b) The minor performs maintenance and cleaning services during hours when the club is not open for business (allows cleaning of the lounge and bar area).
 - 3) Minors *may* be on the premises of a Class D Dance or Concert hall under the following circumstances:
 - A minor who is at least 18 years old may be on the premises of a dance or concert hall if:
 - a) the dance or concert hall is on the premises of a class D club and the minor is the guest of a member or guest of a holder of a visitor card; or on adjoining premises operated by the Class D club; and
 - b) the commission has issued the club a "dance or concert hall minor permit" (see below).
 - A minor who is under 18 years old may be on the premises of a concert hall only (not a dance hall) if:
 - a) accompanied by a parent or legal guardian who is a member or holds a visitor card;
 - b) the concert hall is on the premises of a class D club or on adjoining premises operated by the Class D club;
 - c) all alcoholic beverage product, signage, and dispensing equipment is not visible to the minor; and
 - d) the commission has issued a "dance or concert hall minor permit" (see below).
 - A minor who is under 18 years old and 14 years of age or older and *not* accompanied by a parent or guardian, may be on the premises of a concert hall only (not a dance hall) if:
 - a) the commission has issued a "dance or concert hall minor permit" (see below);
 - b) all alcoholic beverage product, signage, and dispensing equipment is not visible to the minor; and
 - c) there is no alcoholic beverage sales, service, or consumption on the premises of the class D club.
 - Local governments may be more restrictive of a minor's admittance, use of, or presence on the premises of any private club.

Dance or concert hall minor permit

- The commission may issue a dance or concert hall minor permit to a class D club if all of the following conditions are met:

- 1) the lounge, bar, and alcohol consumption area is:
 - not accessible to minors
 - clearly defined
 - separated by walls, multiple floor levels, or other substantial physical barriers;
 - 2) the bar or dispensing area is not visible to minors;
 - 3) no consumption of alcohol is allowed in the dance or concert hall area or any area of the club accessible to a minor;
 - 4) the club has sufficient security personnel to prevent the passing of beverages from the bar/lounge/consumption area to the dance or concert hall or any area accessible to minors; and
 - 5) there are separate entrances, exits, and restrooms for the dance or concert hall or any area of the club accessible to a minor.
- The permit may be suspended or revoked by the commission for failure to follow the permit guidelines, or for serving a minor, drug activities, lewd acts, etc.

Warning Sign

- Each club licensee shall display, in a prominent place, a sign in at least half inch bold letters stating: "Warning: Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."

Bad Checks

- The DABC may immediately suspend the license if it receives a bad check as payment for liquor, for licensing or bond fees, fines and costs for violations, etc..

Prohibited Conduct

- Lewd acts, attire, and sexually oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.

Gambling

- Clubs may not engage in or permit any form of gambling on its premises.

Handout #7

1. Minors are not allowed in the lounge or bar area of any type of private club.
 - a) True
 - b) False
2. A temporary Visitor Card may cost no less than:
 - a) \$5
 - b) \$4
 - c) \$1 per month
3. A temporary Visitor Card is good for:
 - a) up to two weeks
 - b) up to three weeks
 - c) up to seven days
4. The visitor card holder may host up to
 - a) five guests
 - b) seven guests
 - c) nine guests
5. Must a person have a sponsoring member before they may purchase a temporary Visitor Card? Yes__ No__
6. Guests must be authorized by a yearly member or a person who holds a valid Visitor Card (aka host).
 - a) Must the guest be known by the host based upon a pre-existing bona fide business or personal relationship before admittance into the club? Yes__ No__
 - b) Must the host accompany the guest for the duration of the guest's visit inside the club? Yes__ No__
 - c) May an on-duty club employee act as a host for a guest? Yes__ No__
 - d) May an on-duty club employee try to find a host inside the club for a guest with whom the host has no prior acquaintance based upon a bona fide business or personal relationship? Yes__ No__
7. What specific phrase does the DABC require a club to use in its advertising?
 - a) "A private club for members."
 - b) "For members of the private club."
 - c) "A private club for members, visitors, guests, and the world?"
8. If used in print media, this phrase must be in a type size no smaller than
 - a) 9 point Times New Roman
 - b) 10 point bold
 - c) 10 point Title Font
9. A club must have food available at all times when alcohol is sold, served and consumed.
 - a) True
 - b) False
10. What hours may a club sell alcoholic beverages?
 - a) 10am to 1am every day
 - b) noon to midnight every day
 - c) 10am to 1am Monday-Saturday, noon to midnight on Sundays and holidays
11. How long must a club remain open after the last drink is sold in order for a patron to finish his drink?
 - a) one hour
 - b) half an hour
 - c) 15 minutes
12. Must the club remain open after all patrons have left the premises? Yes__ No__
13. Effective May 5, 2008, how much primary liquor may a drink have?
 - a) one ounce only
 - b) up to 1.5 ounces
 - c) 2.75 ounces

14. Effective May 5, 2008, what is the maximum amount of spirituous liquor (including primary liquor and any secondary flavorings) that a drink may have?
- 1.75 ounces
 - 2 ounces
 - 2.5 ounces
15. An unfinished bottle of wine may be removed from the club by a patron if the bottle is re-corked or re-capped.
- True
 - False
16. Wine may be sold by the glass or individual portion in quantities not exceeding _____ ounce(s).
17. At what point can a server assume that a patron has had an "Identification Check"?
- When there is a door person assigned to check I.D.
 - When you know one of the persons in the group
 - When that particular person has been on the premises before
 - Never
18. An employer may not sanction or terminate an employee as a result of the employee having exercised his/her independent judgment to refuse to sell alcoholic beverages to any person the employee considers to be intoxicated, or under the age of 21 years.
- True ☐ False ☐
19. Each club patron may have no more than _____ alcoholic beverages at a time.
20. Effective May 5, 2008, which of these drink combinations may a club patron NOT have at the same time?
- a beer and a glass of wine
 - a glass of red wine and a glass of white wine
 - a shot of whiskey and a beer
 - a Jack and Coke with a shot of Jack on the side
 - two vodka tonics (each made with a one ounce primary)
21. What forms of identification are considered valid for the purchase of alcohol in state liquor stores?
- Birth certificate
 - Marriage license
 - Social security card
 - Valid drivers license
 - Military ID w/photo & DOB
 - Valid passport or travel visa
 - Any valid state identification card
22. What beer (3.2%) portion size is the maximum allowable to be sold to one person?
- 12 oz.
 - 16 oz.
 - 1 liter.
 - 2 liters
 - No limit

GENERAL TOPICS

- May a manager, supervisor or employee in a club buy a patron a drink? Yes___ No___
- May an employee be fined by the UDABC Commission for a violation of the alcoholic beverage laws?
Yes___ No___
- May a person be disqualified from holding a management or supervisory position in a restaurant or club if he/she has been convicted of a DUI on two or more occasions within the last five years? Yes___ No___
- Managers, supervisors, and employees who sell or serve alcohol must complete an Alcohol Server Training program within how many days of beginning employment?
a) 30 days b) 60 days c) two weeks
- It is illegal to sell alcohol to an intoxicated person, even if that person has a designated driver to take him/her home.
a) True
b) False