



# TABC TODAY

Serving the State of Texas Since 1935 . . .  
with Courtesy, Integrity, Service

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## TABC Highlights Changes to Alcoholic Beverage Code

# SUNSET BILL PASSES

In May, Gov. Rick Perry signed into law Senate Bill 904, TABC's Sunset Bill, ensuring the agency's existence at least for another 12 years when it will undergo another Sunset review.

During a review, the Sunset Advisory Commission evaluates whether a state agency's functions are still needed. The process is guided by 12 legislators and citizens appointed by the lieutenant governor and speaker of the House of Representatives. Based on input from TABC, other state agencies, the public and special interest groups, the Sunset Commission makes determinations and presents them as legislation.



## SCHEDULE OF SANCTIONS

TABC will revise and update the *Standard Penalty Chart*, a schedule of sanctions that may be imposed on a license or permit holder for violations of the Alcoholic Beverage Code or Rules. During the revision process, TABC will continue to ensure that the severity of the sanction imposed is appropriate to the type of violation that occurred.

The revised *Standard Penalty Chart* will include the number of days a permit or license would be suspended and the corresponding civil penalty for each violation for which a license or permit may be suspended.

In determining the appropriate sanction for a violation, TABC will consider:

- type of license or permit held;
- type of violation;
- aggravating or ameliorating circumstances; and
- license/permit holder's previous violations.

TABC will develop policies to help staff determine when it is appropriate to deviate from the schedule of sanctions.

## SALES AND CONSUMPTION DURING PROHIBITED HOURS

TABC is required to report to the Legislature on the Commission's enforcement efforts concerning alcohol sales and consumption during prohibited hours, no later than October 31 of each even-numbered year, on a statewide basis, and for each region and major metropolitan area.

The report must specify the number of individuals or establishments that:

- engage in an activity without the permit or license required by code;
- sell, serve, or offer for sale an alcoholic beverage during prohibited hours;
- consume or permit consumption of an alcoholic beverage on a permitted or licensed premises during prohibited hours;
- refuse to allow entry to a permitted or licensed premises by an inspector, investigator, or law enforcement official;
- refuse to furnish information to an inspector, investigator, or law enforcement official; or
- interfere with or refuse to permit an inspection or investigation being conducted by an inspector, investigator, or law enforcement official.

With regard to the sale or consumption of alcoholic beverages during prohibited hours, or interfering with an inspection of the licensed premises, a permit or license holder will not be allowed to pay a civil penalty in lieu of having their permit or license suspended.

Finally, Senate Bill 904 specifies that for the purposes of legal hours of public consumption and/or the offense of public intoxication, a licensed or permitted premises is a public place.

The Sunset Bill included many changes to the Alcoholic Beverage Code. Those that directly impact the alcoholic beverage industry are summarized below.

## HEALTH RISKS WARNING SIGN

The holder of an on-premises license or permit will be required to display on the door to each restroom on the permitted premises a warning sign that informs the public of the risks of drinking alcohol during pregnancy. TABC will provide these signs in English and Spanish to help permit holders meet this new requirement. Rules will be adopted by March 1, 2008, to outline the requirements. For additional signs, contact TABC Education and Prevention Division at 512-206-3290.

## PRODUCT TESTING AND LABEL APPROVAL

**Malt Beverages.** As part of the label approval process, in lieu of having TABC test malt beverages to verify the alcohol content, TABC will accept analysis by an independent laboratory.

**Wine or Distilled Spirits.** In lieu of the current label approval process, TABC will accept a certificate of label approval (COLA) issued by the U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB) as constituting full compliance with applicable standards regarding quality, purity, and identity of distilled spirits or wine. In lieu of requiring the submission of a product sample for testing, TABC will accept the results from the TTB.

**Enforcement.** TABC will conduct market sampling to test the contents of alcoholic beverages to ensure compliance with state law.

## MARKETING PRACTICES REGULATORY DECISIONS

TABC is now required to develop a formal process for making policy decisions regarding marketing practices regulations and for communicating those decisions to agency staff and the alcoholic beverage industry. TABC will gather input from a diverse group of representatives of the alcoholic beverage industry regarding regulatory issues and interpretations of this code and commission rules.

## DELINQUENT LIST

Beginning Sept. 1, 2007, wholesalers may attach *Notice of Default (C-801)* or *Notice of Payment of Default (C-803)* forms to an e-mail and send them to [credit@tabc.state.tx.us](mailto:credit@tabc.state.tx.us). Wholesalers may continue to fax these forms to 512-206-3329.

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*New/Amended Legislation*

# Alcoholic Beverage Laws

*This chart summarizes the changes to the Alcoholic Beverage Code made during the 80<sup>th</sup> Legislative session. For the full-text of bills passed, visit the Texas Legislature Online at [www.capitol.state.tx.us](http://www.capitol.state.tx.us)*

BILL	EFF. DATE	SUMMARY
HB1248	9/1/2007	Allows passenger vessels of a certain size that are eligible for a beer and wine permit to obtain a mixed beverage permit. Clarifies that the permit for an excursion boat is inoperative in a dry area.
HB1365	6/15/2007	The holder of a promotional permit does not have to be a Texas resident. Renumbers this chapter in the Code.
HB1541	9/1/2007	Authorizes retailers, manufacturers and wholesalers to preannounce to the consumer a promotion taking place on the premises of a retailer, including the purchase of wine or distilled spirits for a consumer. Does not change the types of promotional activities that permittees are allowed to conduct.
HB1734	9/1/2007	Requires notice of cancellation or suspension of a license or permit be given to the licensee or permittee personally or by first-class mail, instead of by registered or certified mail. Cancellation or suspension is final and effective as provided by Section 2001.144, Government Code.
HB2348	6/15/2007	A person within the fourth degree by consanguinity or affinity of a licensee or permittee whose license or permit was canceled may not apply for a license or permit in connection with an establishment at the same location as the establishment whose license or permit was canceled for a period of <i>three</i> years instead of the current two-year requirement.
HB2350	9/1/2007	If an applicant had a prior permit/license or application that expired or was voluntarily surrendered before the hearing was held on a protest involving allegations of prostitution or a shooting, stabbing or other violent act or offense involving drugs, TABC shall refuse to issue a permit or license to that applicant for any location for a period of three years.
HB2605	6/15/2007	Applies to on-premises retailers who do not hold a food and beverage certificate. Allows TABC to deny an application if a common nuisance existed on the premises within the last 12 months, even if the applicant did not control the premises at the time. Allows TABC to cancel or suspend a license/permit if the permittee maintains, or allows others to maintain, a public nuisance on the licensed premises. In this case, TABC shall not allow the permit holder to pay a fine in lieu of suspension. Allows TABC, after notice and hearing, to impose additional conditions on licensees/permittees to abate a common nuisance on the premises. Violating these special conditions is grounds for cancellation or suspension of the license/permit. Authorizes TABC, the county judge or the hearings officer to impose similar orders while a contested case is pending before the administrative law judge, after notice and hearing.
HB2723	9/1/2007	Allows manufacturers and retailers who are authorized to produce or sell malt beverages to conduct tastings of these products on the premises of a retailer. Requires those manufacturers to purchase the products intended to be sampled from the retailer on whose premises the tasting would occur. Prohibits the manufacturer and/or retailer from collecting a fee from consumers for tastings conducted at off-premises retail accounts.
HB2724	6/15/2007	Changes the hour that a distributor may begin sales and delivery activity from 5 A.M. to 4 A.M. on any day except Sunday in a county with a population of 1.8 million or more people and in any county adjacent to such a county. (Harris, Liberty, Chambers, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Dallas, Collin, Denton, Tarrant, Ellis, Kaufman, and Rockwall)
HB2727	9/1/2007	Creates a new manufacturer's agent's warehousing permit applicable for a malt beverage entity that meets certain criteria. Allows permit holder to receive malt beverages from holders of a nonresident brewer's permit or a nonresident manufacturer's license and store those malt beverages on their premises. Allows the permit holder to ship, sell or transfer malt beverages to permitted distributors or wholesalers as designated by the assigned territorial agreement issued by the actual manufacturer of the brands. Allows permit holder to return malt beverages to manufacturer/brewer from which it was received. Allows permit holder to store malt beverages that are not labeled and approved for sale in this state and ship them to qualified persons in other states or jurisdictions where its sale is legal. Monthly reports to TABC are required. Employees must hold agent's beer licenses or manufacturer's agent's permits.

BILL	EFF. DATE	SUMMARY
HB 3123	9/1/2007	Authorizes license and permit holders at different levels of the industry to simultaneously or jointly sponsor a civic, religious, or charitable event, including providing or lending money, services or other things of value directly to a civic, religious, or charitable entity in conjunction with the event. Any license or permit to sell or serve alcoholic beverage at the event must be held by a retailer who is independent of the sponsors. Retail sponsors of the event may not receive any direct benefit or service because of joint sponsorship by a wholesaler or manufacturer of alcoholic beverages.
SB904	9/1/2007	Sunset Bill – See page 1 for details.
SB952	6/15/2007	Authorizes mixed beverage permit holders who hold a food and beverage certificate to designate as part of the permit holder's premises, a secured noncontiguous area located on a public sidewalk adjoining the premises if the designation is authorized by city ordinance. The ordinance may specify and limit the areas of the municipality in which this subsection is applicable. Alcoholic beverages may be delivered by an employee of the permit holder to patrons for consumption in the designated sidewalk area.
SB1215	9/1/2007	Increases the number of cases a holder of a distributor's license, wholesaler's permit, or class B wholesaler's permit is authorized to withdraw from the equivalent of 15 cases to the equivalent of 25 cases of 24 twelve-ounce containers of beer, ale, or malt liquor to assure and control product quality. The malt beverage must be prior to the expiration date, and the retailer must give permission.
SB1217	9/1/2007	Provides that TABC will issue a license or permit for a period of two years, except that TABC may issue permits for less than two years due to the permit holder's violation history, or to maintain a reasonable annual distribution of work. Also, removes the \$500 fee and 10-day prior notice required for substantial changes of ownership of a mixed beverage permit (MB) held by a corporation. Substantial changes for an MB will still be required to be reported before the change is to occur. The county judge's waiver on permit application will no longer be required.
SB1229	9/1/2007	Allows package stores and wine-only package stores that are in or within two miles of a city's limits to deliver or ship alcoholic beverages within the county or city or within two miles out of the city limits. Allows them to ship to persons outside the state who are authorized to receive such products.
SB1238	9/1/2007	Allows cities or counties to prohibit the possession of an open container, or public consumption of alcoholic beverages, on a public street/alley/sidewalk within 1,000 feet of the property line of a homeless shelter or substance abuse treatment center that is not located in a central business district. Authorizes these governing entities to enact regulations allowing suspensions of the regulations for special temporary events.
SB1257	9/1/2007	Modifies the definition of a hotel to include facilities with at least five guest lodging rooms, provided that facility has been designated as an "historic structure."
SB1287	9/1/2007	Requires posting of national human trafficking hotline number in English and Spanish in certain licensed premises if they don't hold a food and beverage certificate: beer on- or off-premises, beer and wine on- or off-premises, mixed beverage, private club, excursion boats and railroad cars.
SB1426	9/1/2007	Allows TABC to exempt permittees who are concessionaires in public entertainment venues, such as sports stadiums and convention centers, from the requirement that food service be the primary business on the premises in order to obtain a food and beverage certificate.
SB1828	6/15/2007	Current law says that a person may access electronically readable information on a driver's license for the purpose of preventing a sale to minor. SB1828 states that if the information accessed is required to be retained by TABC Administrative Rule, it may be printed with a time and date stamp or transferred to an electronic record and then scanned information may be cleared from the device or any memory in the device. It is a defense to prosecution for criminal violation of sale to minor if the scan device identified the purchaser's license as valid and over 21 and the defendant relied on the information in good faith.

### TABC APPROPRIATIONS BILL APPROVED

The Legislative Conference Committee approved \$79,219,206 in biennial appropriations to TABC. This is a \$6,515,381 increase over the previous biennium and includes \$1,735,670 in increases for the Schedule C salary changes approved by the Legislature last session as well as \$917,852 approved for Schedule A and B salary increases. Also included in the new budget is additional funding for public safety equipment and much needed software and hardware upgrades.

Additionally, most state agencies received a reduction as an across-the-board action to reduce administrative overhead costs. TABC's share of this cost was \$275,021 for the biennium and likely will result in the agency having to eliminate three to four positions to cover the reduction.

# NEW LAWS AIM TO ASSIST VICTIMS OF HUMAN TRAFFICKING

*The U.S. Department of Health and Human Services reports that human trafficking is the second largest criminal industry in the world today, and the fastest growing. The department has identified more victims in Texas than any other state since 2001.*

In the last legislative session, Texas lawmakers passed several pieces of legislation regarding human trafficking. These new laws:

- provide for an admission fee for sexually oriented businesses, a portion of which will be dedicated to programs related to sexual violence or human trafficking victims. (HB1751)
- under certain circumstances require hotels or motels to post in each guest room the hotline number for victims of human trafficking. (SB1288)
- allow a judge to authorize wiretaps, if the prosecutor shows probable cause to believe that the interception will provide evidence of felony kidnapping or human trafficking. (SB11)
- require the Texas Attorney General and the Health and Human Services Commission to issue reports with recommendations involving the needs of victims of human trafficking. (SB11)
- require that certain TABC permittees post a sign advertising the national human trafficking hotline number in English and Spanish. This requirement falls on the following permit holders only if they DO NOT hold a food and beverage certificate: wine and beer retailers (on and off premises), beer retailers (on and off premises), private clubs, mixed beverage permit holders, excursion boats and railroad dining cars (SB1287). TABC will begin distributing signs this summer.

## TABC TO THE RESCUE; JOINS HUMAN TRAFFICKING RESCUE ALLIANCE

A key phrase in the TABC mission statement is “to ensure the protection . . . and safety of the *people* of Texas . . .” Not just *citizens*, but the *people* of Texas.

Nowhere has this been more valiantly illustrated than when our agents worked with the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE) and local law enforcement to conduct a raid that liberated 98 Central American females held captive in Houston.

**AGENTS STING HOUSTON SEX RING.** In November 2005, a tip to the FBI sparked an investigation that led to the rescue of 98 females who had been forced into prostitution—victims of human trafficking. TABC became involved because these young victims were forced to work in restaurants and bars licensed by the Texas Alcoholic Beverage Commission.

All eight arrested owned or operated bars and nightclubs in the Houston area. According to the U.S. Attorney’s Office, the case is a “result of the investigative efforts of the Human Trafficking Rescue Alliance (HTRA) of the Southern District of Texas including agents of the Immigration and Customs Enforcement, FBI, Harris County Sheriff’s Department *and the TABC . . .*”

The U.S. Department of Justice has made combating human trafficking a high priority. “This insidious crime is nothing more than thinly-cloaked modern day slavery,” said U.S. Attorney Don DeGabrielle.

TABC, a member of HTRA, works to increase the public’s awareness of the human trafficking problem and to help identify victims. Agents carry “victim identification” wallet cards provided by the Houston Rescue and Restore Coalition. These cards provide resource information to help agents identify victims of human trafficking.

### FOR SIGNS OF HUMAN TRAFFICKING, LOOK BENEATH THE SURFACE.

The Houston Rescue and Restore Coalition reports that “the perpetrators of these crimes instill fear in their victims in order to keep the victims from leaving or reporting the crimes they endure.

Tactics for enslavement include debt bondage, isolation from the public, isolation from family and ethnic or religious community, withholding legal documents, use or threat of violence against the person or the person’s family, threat of imprisonment or deportation, denial of medical care, rape, control of the person’s money, and manipulation and psychological abuse.” (*Human Trafficking: The Invisible Slave Trade*, April 2007)



**REPORT HUMAN TRAFFICKING**  
1-888-3737-888  
**TRAFFICKING INFORMATION & REFERRAL**

Recent legislation requires that signs advertising a human trafficking hotline be posted in certain licensed premises.

- Is the person accompanied by a controlling person or boss?
- Does the person speak on his or her own behalf?
- Does the person lack control over personal schedule, money, ID, travel documents, etc.?
- Is the person transported to or from work?
- Does the person live and work in the same place?
- Does the person owe a debt to employer/crew leader?
- Is the person unable to leave his or her job?
- Does the person seem afraid, depressed or overly submissive?
- Does the person have bruises or other signs of physical abuse?

# Modern-Day Slavery

*“Human traffickers pervert the American dream and use it as a ruse to lure vulnerable persons into terrible conditions of victimization.”*

(Wan J. Kim, Assistant Attorney General for the Civil Rights Division, U.S. Attorney's Office, Southern District of Texas, press release, June 5, 2007)



Approximately 600,000 to 800,000 victims annually are trafficked across international borders worldwide, and between 14,500 and 17,500 of those are brought into the United States, according to the U.S. State Department.

Men, woman and children are generally trafficked into the United States from Asia, Central and South America, and Eastern Europe. Most don't speak or understand English, and end up isolated and unable to find assistance when they need it the most.

Traffickers use force, fraud and threats to get victims to engage in forced labor (involuntary servitude, debt bondage or slavery) or commercial sex (prostitution, stripping, pornography).

## HEAVY TRAFFICKING IN TEXAS

The southwest border is often used as a main portal into the United States, but emerging ports of entry in the region include Atlanta, **Houston**, Orlando and Washington, DC.<sup>1</sup>

The Houston Rescue and Restore Coalition report, “Human Trafficking: The Invisible Slave Trade” (April 2007), explains that three main factors contribute to trafficking in Texas and Houston: proximity, demographics, and large migrant labor force. Houston's proximity to the Mexican border and I-10, along with its port, makes it a popular point of entry for international trafficking. At the 2006 Department of Justice National Conference on Human Trafficking, the I-10 corridor was identified as one of the main routes for human traffickers.<sup>2</sup>

## THE SCOPE OF THE PROBLEM IN TEXAS

- Since 2001, more than 20% of the total number of identified trafficking victims nationwide has been located in Texas.<sup>3</sup>
- As of January 2006, 946 trafficking victims received certification under the Trafficking Victims Protection Act nationwide, **244 of those were in Texas, the majority in Houston.**<sup>4</sup>
- The second largest trafficking bust in U.S. history occurred in Houston.<sup>5</sup> The U.S. Attorney's office in Houston and the Houston Rescue and Restore Coalition identified 90 victims and referred them to local service providers equipped to assist them in their recovery process.

<sup>1</sup>Finckenauer, James O., and Jennifer Schrock. 2000. Human Trafficking, A Growing Criminal Market in the U.S. International Center, National Institute of Justice. ojp.usdoj.gov

<sup>2</sup>Houston Rescue and Restore Coalition. April 2007. Human Trafficking: The Invisible Slave Trade. Missouri City, Tx.

<sup>3</sup>Texas Association Against Sexual Assault. Human Trafficking. www.taasa.org/trafficking/default.php

<sup>4</sup>U.S. Department of Health and Human Services. April 2004 through January 2006. Rescue and Restore Campaign Results. Washington, DC

<sup>5</sup>U.S. Department of Justice. October 2006. National Conference on Human Trafficking. “What We Know and How We Can Work Together.” New Orleans, Louisiana.

## GRANTS AWARDED TO ENFORCE UNDERAGE DRINKING LAWS

The TABC recently awarded seven grants totaling \$234,000 to Texas nonprofit groups, college, law enforcement and community coalitions to fund underage drinking prevention initiatives, such as education, enforcement and compliance programs.

“With these grants, communities can provide more enforcement and educational programs that increase awareness of underage drinking laws and the consequences of underage drinking,” said TABC Administrator Alan Steen.

Funding is provided by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), Enforcement of Underage Drinking Laws (EUDL) block grant. TABC serves as the designated state administrator for EUDL grant funds and monitors each project.

### 2007-2008 EUDL Grant Recipients

- Austin Police Department Alcohol Control Team (\$35,000), *City of Austin EUDL Project*
- Bay Area Council of Drugs and Alcohol (\$31,500), *Brazoria County Coalition EUDL Project*
- City of Midland (\$35,000), *Enforcing Underage Drinking Laws Program*
- Corpus Christi Police Department (\$35,000), *Enforcing Underage Drinking Laws*
- Travis County Sheriff's Office (\$20,000), *Enforcing the Underage Drinking Laws Block Grant*
- University of Houston (\$35,000), *Club U: Preventing Underage Drinking*
- Waco Police Department (\$42,500), *Waco EUDL Project*

## 2007 SPRING BREAK OPERATION A SUCCESS

The Texas Alcoholic Beverage Commission credits a reduction in criminal activity during spring break to partnerships with local businesses and law enforcement agencies.

Before Spring Break, TABC staff held two meetings with retailers from Port Isabel, South Padre Island, Port Aransas and Corpus Christi.

At the meetings, local law enforcement officials, TABC agents and compliance auditors talked with local businesses about illegal sales to minors and intoxicated persons, and planned law enforcement activities.

Also before Spring Break, TABC agents conducted minor stings along the I-35 corridor and other major arteries leading to the Coast. Of 575 retail locations visited, only 73 resulted in illegal sales of alcohol to minors or an 87% compliance rate—a 2% increase in compliance compared to March 2006.

During Spring Break, local businesses reported a reduction in vandalism, and there were fewer calls for police assistance and fewer arrests. Agents issued 1,919 criminal citations—more than half for minor in possession of alcoholic beverages.

# Excellence in Public Service

## WISE COUNTY SHERIFF DAVID WALKER RECEIVES BERT FORD COMMENDATION



Sheriff David Walker

The Texas Alcoholic Beverage Commission has named Wise County Sheriff David Walker as recipient of the 2007 Bert Ford Sheriff's Commendation. Sheriff Walker was presented with the award at the Sheriff's Association of Texas Annual Conference in Austin in July.

"Bert Ford was the administrator of our agency between 1936 and 1947," says TABC Administrator Alan Steen, "and during his tenure, he emphasized the importance of TABC employees maintaining a high level of cooperation with local law enforcement agencies. The Bert Ford Commendation is an opportunity for TABC to recognize a sheriff who has demonstrated, through resources and personal cooperation, the type of working relationship that former TABC Administrator Bert Ford encouraged," he added.

"Sheriff Walker has dedicated his career to enforcing the laws of the State of Texas and protecting all citizens. I am fortunate to have the assistance of Sheriff Walker and his deputies," says TABC Agent Scott Jones of the TABC Mineral Wells Outpost. "Sheriff Walker has opened his department to assist with all agencies including TABC."

TABC agents often call upon Sheriff Walker when they need assistance with minor stings and investigations. This sheriff takes to heart his oath to protect and serve by keeping a close watch on even the smallest towns in the county, especially those without law enforcement departments. The school resource officers Sheriff Walker provides to these towns allows law enforcement to get information about minor parties that might not be known otherwise. According to Wise County Attorney Greg Lowery, recent stings in these towns resulted in arrests for making alcohol available to a minor.

The Sheriff's Department takes underage drinking prevention seriously in Wise County. Walker was getting the word out about underage drinking laws long before he was elected sheriff. In an article published in the *Wise County Messenger* (April 27, 2003), Walker said, "It is not the intent of law enforcement to keep students from having fun, but rather to keep alcohol away from minors and save lives. Our goal is to hold parents responsible. If it saves one life, we've done our job."

**B**adge of Honor. Others in the criminal justice community have recognized Sheriff Walker's dedication. He was named "Patrolman of the Year" in 1994 and "Officer of the Year" in 1996.

When elected in 2004, Walker, at 32, became the youngest sheriff in Texas—but he came armed with plenty of education and experience. Employed by the Wise County Sheriff's Department since 1992, Sheriff Walker began his career as a part-time dispatcher while earning his bachelor's degree in criminal justice at the University of North Texas. He has since held positions as patrol deputy, criminal investigator, enforcement captain, and chief deputy.

**T**op Gun. Throughout his employment with the sheriff's department, he continued his professional development. In 1999, Walker graduated from the FBI Academy at Quantico, Virginia, and earned his Master Peace Officer Certification, Instructors Certification and Chemical Weapons Certification from the Texas Commission on Law Enforcement Officer Standards and Education.

The Bert Ford Commendation recipient receives a handgun suitable for routine duties as well as a plaque. In addition, Sheriff Walker's name will be added to a plaque displayed at the headquarters of the Sheriff's Association of Texas.

## TABC HONORED FOR TAKING ACTION TO PREVENT UNDERAGE DRINKING

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) declared the TABC College and University Symposium and Team Training a "Success Story." This recognition goes to a state, community or agency that accomplishes an environmental strategy that limits access of alcohol to underage youth. In August, the award will be presented at the 2007 National Leadership Conference to TABC Assistant Administrator Jeannene Fox and Director of Education and Prevention Debbie Dixon.

In 2003, TABC developed the symposium with funding from the OJJDP Enforcing the Underage Drinking Law block grant. The goals were to strengthen college alcohol prevention teams with enforcement and prevention strategies, and by developing campus strategic plans using evidence-based strategies that would lead to a healthy, safe and legal campus environment.

The follow-up data and comparison of 2003 and 2006 executive core summaries have measured the effectiveness of the enforcement and prevention training. The successful highlights of core data include:

### UNDER 21 CONSUMED ALCOHOL IN PAST 30 DAYS

	2003	2006	Reduction
Freshman	67%	51%	(-16%)
Athletes	69%	58%	(-11%)
Greeks	72%	66%	(-6%)

### BINGE DRINKING IN PREVIOUS 2 WEEKS

	2003	2006	Reduction
Freshman	44%	32%	(-12%)
Athletes	54%	43%	(-11%)
Greeks	54%	40%	(-14%)

### DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL

	2003	2006	Reduction
Freshman	40.7%	23%	(-17.7%)
Athletes	50.2%	36%	(-14.2%)
Greeks	49.4%	31.7%	(-17.7%)

For more information on this and other success stories, go to [www.udetc.org](http://www.udetc.org)

## ADMINISTRATOR'S CORNER

The 80<sup>th</sup> legislative session is behind us, and we breathe a sigh of relief knowing that our agency will continue to operate until at least September 2019.

There were many positive changes that came out of the Sunset review of TABC. The one that I continue to emphasize with my staff and with the industry is Sunset's recommendation that we develop a risk-based approach to our enforcement activities.

Our goal is to focus our attention to:

- detecting serious public safety violations; and
- monitoring locations that have a history of complaints and violations.

Our agents and compliance auditors will be spending *more* time in licensed establishments that have a history of public safety violations and complaints filed against them.



Alan Steen

Our goal is to focus our attention on:

- detecting serious public safety violations; and
- monitoring locations that have a history of complaints and violations.

Conversely, we will be spending *less* time in those locations that don't indicate a threat to public safety.

Following the Sunset recommendation, TABC will continue to develop benchmarks and goals to track key enforcement activities. For each type of enforcement activity, we will track the amount of time spent on the activity and the number of violations detected.

We will compare the enforcement performance of each region and to determine the most effective enforcement activities. We will track, on a statewide and regional basis, the type of violations detected, the disposition of the violations, and the entities that committed the most serious violations.

TABC will compile detailed statistics and analyze trends related to its enforcement activities and will summarize the statistics and trends and make that information available to the public on our website.

I wrote about risk-based enforcement in the last edition of TABC TODAY, and I'm talking about it again because of its importance to businesses. I believe that knowing how TABC makes decisions can help folks make good decisions about how to run their own businesses. In short, conducting business in compliance with the law means that you're likely to see less of us, as we focus our attention on other locations.

*Alan Steen*

## Marketing Practices Bulletin

### Marketing Practices Bulletins provide:

- the latest information on revised rules and agency opinions relating to industry marketing practices
- answers to questions from members of the alcoholic beverage industry
- clarifications to TABC staff to ensure the consistent interpretation and regulation of laws statewide on issues concerning interaction between the manufacturing, wholesale and retail tier

For the latest news or to subscribe:

- call Dexter Jones at 512-206-3411 or 214-678-4000, or
- e-mail [marketing.practices@tabc.state.tx.us](mailto:marketing.practices@tabc.state.tx.us).

To access full text of bulletins, go to: [www.tabc.state.tx.us/enforce/MPBull.htm](http://www.tabc.state.tx.us/enforce/MPBull.htm).

### MPB 022 Retail Advertising Specialties.

The TABC was petitioned to consider the legality of a liquor manufacturer providing an advertising specialty item that advertises multiple brands (rather than a single brand) having an aggregate value of more than

\$101, but equal to or less than that amount multiplied by the number of brands advertised on or by it.

**TABC Opinion.** Pursuant to Tex. Alco. Bev. Code §102.07(b), Prohibited Dealings with Retailer or Consumer, and 16 TAC §45.117(c), a permittee covered by Tex. Alco. Bev. Code §102.07(a), is not authorized to pool or combine its dollar limitations with another permittee's dollar limitations to provide a retailer with an advertising specialty item in excess of \$101.

Upon thorough consideration, TABC holds that the legislative phrase "may not pool or combine" was intended to restrict upper-tier members [permittees covered by Tex. Alco. Bev. Code §102.07] from joining together to combine their financial resources to provide a retailer with an advertising specialty item with a value in excess of the maximum

permitted. However, the Commission believes this language was not intended to prevent a single upper-tier member from advertising multiple brands on a single advertising item that may have a value of up to \$101 per brand advertised.

Thus, it is the Commission's opinion that nothing shall preclude a permittee covered by Subsection(a) of 102.07 from furnishing, in a calendar year, an advertising specialty item that advertises multiple brands, provided the aggregate value does not exceed \$101 per brand advertised on the item.

Finally, an advertising specialty item does not include equipment, fixtures or supplies to be used in the selling or dispensing of alcoholic beverages. Such items are prohibited by 102.07(a)(5).



## TABC TODAY

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Austin, Texas 78711-3127  
[www.tabc.state.tx.us](http://www.tabc.state.tx.us)

PRSR.T.STD.  
U.S. POSTAGE  
PAID  
AUSTIN, TEXAS  
PERMIT #408

# Take Notice

## HEALTH RISKS WARNING SIGN NOW REQUIRED FOR ON-PREMISES RETAILERS

For details, see page 1

### WARNING

According to the surgeon general, women should not drink alcoholic beverages, including distilled spirits, beer, coolers and wine during pregnancy because of the risk of birth defects.

### AVISO

Según el general del cirujano, las mujeres no deben beber bebidas alcohólicas incluyendo las del alcohol destilado, cerveza, "coolers," y vino durante embarazo debido a el riesgo de los defectos del nacimiento.

## PUBLIC INQUIRY SYSTEM

To check on the status of a license or permit on the TABC Public Inquiry System, go to: [www.tabc.state.tx.us](http://www.tabc.state.tx.us).

License status and pending original application information is updated daily. Credit law information is updated hourly.

### Users can:

- check the status of pending, active or inactive licenses/permits;
- search for and create lists of licenses/permits with administrative violations (pending and final);
- find license/permit numbers;
- create lists of licenses/permits by location, type, status, original issue date;
- access lists in .xls, .pdf or .csv formats;
- find retailers on the agency's credit law delinquent list.

## TAX ASSESSOR-COLLECTORS



**Alan Steen**  
Administrator

**John T. Steen, Jr.**

*Chairman-San Antonio*

**Gail Madden**

*Member-Dallas*

**José Cuevas, Jr.**

*Member-Midland*

**re: Fees**

### DEAR TAX ASSESSOR COLLECTORS:

Sections 11.38 and 61.36 of the Texas Alcoholic Beverage Code allows for collection of up to 1/2 of the state fee for certain permits and licenses. The Texas Alcoholic Beverage Commission has been advised that some counties are charging service fees in relation to an application for a license or permit.

The city and/or county **may not** assess an additional fee in relation to an application for a permit or license.

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TABC TODAY is an external publication of the Texas Alcoholic Beverage Commission. We welcome your comments, suggestions and/or questions.

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