

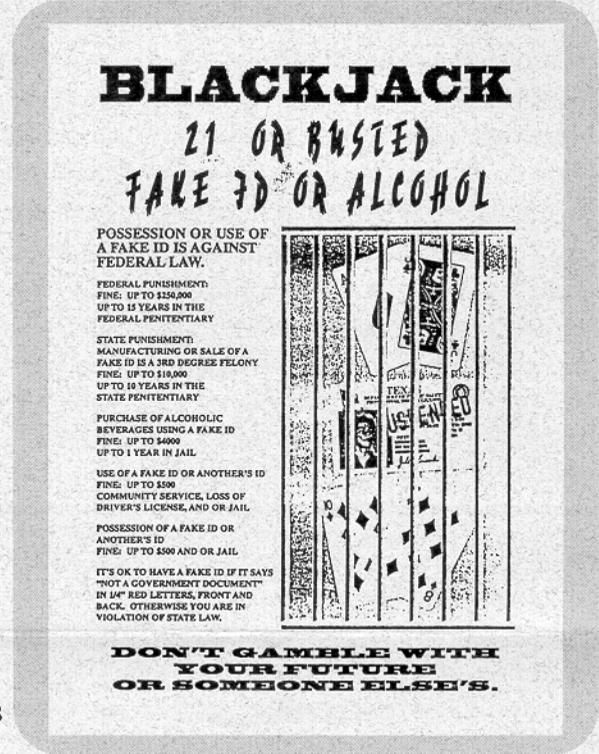
Drawing the Line On Fake I.D.'s

After a successful pilot test in Austin's Sixth Street entertainment district, TABC is ready to replicate its newest youth and alcohol initiative throughout Texas. This new initiative, "Operation Fake Out," targets underage drinkers who use fake identification to gain access to alcoholic beverages. TABC agents, Department of Public Safety troopers, and local peace officers will work in cooperation with the managers and staff of area bars and nightclubs to thoroughly check the identification documents presented by youthful appearing persons as they attempt to gain access to the establishments or when they attempt to buy alcoholic beverages. In addition to standard physical and visual examinations of the I.D.'s, officers will also employ special lighting tests and will electronically scan the magnetic strips now found on the backs of all Texas I.D.'s to verify the accuracy of the information displayed on the front of the presented I.D.'s.

"Operation Fake Out" in Austin resulted in 48 arrests in a matter of minutes. According to Sixth Street club owners, the well publicized operation was also responsible for a significant decline in the number of suspicious or obviously fake I.D.'s encountered by their employees in the days and weeks that followed the operation.

"We are pleased with the results of 'Operation Fake Out' and intend to repeat it regularly here in Austin and in college towns and other urban areas across the state. While almost all young people realize that underage drinking is illegal, few understand that production and use of false identification are serious offenses that can result in huge fines and even time in prison. We hope that repeated use of this approach will convey the message that underage drinking and fake I.D.'s are a dangerous combination," says TABC Chief of Enforcement Greg Hamilton.

In a related story, "Operation BlackJack" was launched recently in McLennan County to target the use of fake I.D.'s by minors for the purpose of buying alcoholic beverages and tobacco. The first sting was conducted in 12 establishments in Waco and resulted in 31 arrests and 40 charges filed by



BLACKJACK
21 OR BUSTED
FAKE ID OR ALCOHOL

POSSESSION OR USE OF A FAKE ID IS AGAINST FEDERAL LAW.
FEDERAL PUNISHMENT: FINE: UP TO \$50,000. UP TO 10 YEARS IN THE FEDERAL PENITENTIARY

STATE PUNISHMENT: MANUFACTURING OR SALE OF A FAKE ID IS A 3RD DEGREE FELONY FINE: UP TO \$10,000 UP TO 10 YEARS IN THE STATE PENITENTIARY

PURCHASE OF ALCOHOLIC BEVERAGES USING A FAKE ID FINE: UP TO \$4000 UP TO 1 YEAR IN JAIL

USE OF A FAKE ID OR ANOTHER'S ID FINE: UP TO \$500 COMMUNITY SERVICE, LOSS OF DRIVER'S LICENSE, AND/OR JAIL

POSSESSION OF A FAKE ID OR ANOTHER'S ID FINE: UP TO \$500 AND/OR JAIL

IT'S OK TO HAVE A FAKE ID IF IT SAYS "NOT A GOVERNMENT DOCUMENT" IN 14" RED LETTERS, FRONT AND BACK. OTHERWISE YOU ARE IN VIOLATION OF STATE LAW.

DON'T GAMBLE WITH YOUR FUTURE OR SOMEONE ELSE'S.

nearly 100 peace officers from different city, county, state and federal agencies. According to TABC Agent Tom Dickson, the operation consists of three phases: "public education, actual sting and trying to find out who is manufacturing and selling the fake documents." In a recent column in the Waco Tribune Herald, an editorial writer noted that "enablers of underage drinking, whether they be older peers, negligent taverns or lax retailers, should know the seriousness of the matter. That's why something called 'Operation Blackjack' deserves support by everyone. Though its as old as moonshine, the problem of underage drinking is not to be taken lightly. The word needs to get out. Texas has drawn the line on I.D. fakery." ♦

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Task Force Issues Final Report on Illegal Gambling

The Governor's Task Force on Illegal Gambling has completed their work.

Recommendations from the panel were presented to the 76th Texas Legislature by Governor George W. Bush.

The special committee, a 12-member panel of legislators and various agency representatives, reported back to Governor Bush that the largest problem revolved around the growth of what have been generally called "eight-liner machines" which act like and are in fact no different than slot machines. It was concluded that these have multiplied because of an exemption in the law for bona fide amusement machines such as

claw machines and other kiddie video devices that was written into the Texas Penal Code.

It was the conclusion of the Task Force that the legislature never meant for these types of gambling machines to be authorized, but because of certain legal interpretations of the law, many people began using them. Even under the most liberal interpretation, there was never authority to pay out cash winnings or to operate casinos under the amusement exemption.

The Task Force recommended that the exemption be taken out of the law. If proponents of gambling want to authorize slot machines, there are ways to amend the state constitution to authorize that form of



gambling along with other forms such as bingo, lottery, or raffles currently approved by the citizens of Texas. Bills were filed in the 76th Legislature to remove the exemption or loophole in the penal code. These measures failed during the final days of the session. A final update on legislative changes will be included in the next newsletter. ♦

Administrator's Corner



Recent monitoring of seller/server courses around the state has revealed, once again, that there are some really good programs and instructors out there. The monitoring also identified some programs and instructors that were really not so good.

There are currently about 900 people who are approved by the agency to conduct the seller/server training. These trainers demonstrate their talent, or lack thereof, in 150 different certified schools. Our best guess is that about one-third of the people who are actually involved in selling or serving beverage alcohol have completed the course.

During the fall of 1996 we determined through a study of our minor sting operations that people

who were certified were about 20% less likely to serve a minor. Could that percentage be higher if the training was improved? How can we judge whether training is good or not so good?

We may not be able to answer these questions to anybody's satisfaction but I can tell you that we will be working hard in the future to see that the minimal requirements of the code and rules are met. None of the evaluations I read were as bad as a report that I heard from an administrator of another state. He said that in his state you could get an excellent four-hour course and your certificate for \$25.00. For \$100.00 you could get your certificate in ten minutes!

We did monitor one session that fell way short of the 200 minute minimum. Other deficiencies included: false or misleading statements, omitting required segments of the training, allowing participants to copy test answers

from each other and in one case the instructor certified the student although he failed to obtain a minimum passing score.

Those of you who require your employees to attend the course can help. If you become aware of irregularities in the training please call me or Buck Fuller, Director of Compliance. You may also call toll free and anonymously to the agency complaint line which is 1-888-THE-TABC. We want these courses to be the best in the nation and we need your help to ensure that your employees get the type of quality training they deserve.

Also, our people along with some seller/server school representatives are in the process of reviewing our rules. They will be calling on some of you for your input. I hope you will take this opportunity to participate and to make your needs and wishes known. ♦

Doyne Bailey

Safe Prom/ Safe Graduation

Spring is in the air. With it come the proms and graduations that traditionally herald the approaching end of another school year. Unfortunately, the coming of Spring also heralds another tradition—the prom and graduation parties where alcoholic beverages are made available to thousands of Texas teenagers, often by parents who are normally law abiding citizens.

To counter the problem and to help break a dangerous tradition, TABC enforcement agents will once again be visiting high schools across the state during this time. These visits will have a dual purpose: to promote the concept of safe, alcohol-free prom and graduation parties and to remind people that the TABC and local law enforcement will be out in force on prom and graduation nights to enforce the laws concerning underage drinking.

As part of the operation, TABC agents also visit hotels and motels during this season to target gatherings involving youths and alcohol. Random undercover stings will also be conducted to target the illegal sale/or provision of alcoholic beverages to minors. “By working with members of the Texas Hotel and Motel Association, the Texas Medical Association, the Texas Petroleum Marketers and Convenience Store Association, other law enforcement agencies, MADD and other concerned groups, we hope to forge a partnership that will bring a heightened awareness of the dangers associated with underage drinking,” says TABC Administrator Doyne Bailey.



OFFICIAL MEMORANDUM STATE OF TEXAS OFFICE OF THE GOVERNOR

The end of the school year and the graduation season are almost upon us. This time of joy for many Texas families also can be a time of tragedy. Far too many minors will celebrate their newfound freedom and rites of passage by drinking alcohol. Adding to the problem, many of these intoxicated youngsters will attempt to drive. In 1997, according to the Department of Public Safety, 120 fatal accidents involved drunk drivers under the age of 21. Overall that year, nearly 3,000 alcohol-related accidents involved underage drivers.

Texas has tough laws and programs to combat underage drinking. In 1997, the Texas Legislature passed – and I signed into law – Senate Bill 35, which included a “zero tolerance” provision. In other words, it is now illegal for a minor to drive with any detectable amount of alcohol in his or her blood. Penalties for a first offense include a \$500 fine, 20 to 40 hours of community service and a 60-day license suspension. Penalties increase for repeat offenders. Senate Bill 35 also cracked down on minors who purchase, possess or consume alcohol and increased the punishment for giving or selling liquor to people under age 21.

The Texas Alcoholic Beverage Commission (TABC) uses several programs to limit youth alcohol use. Project SAVE (Stop Alcohol Violations Early), a school-based prevention program for students in grades four through nine, provides TABC experts to teach children how to resist peer pressure to drink. In the Commission’s “Cops in Shops” program, agents pose as either store employees or customers to detect violations of state liquor laws. In 1997, the TABC issued more than 5,300 citations to merchants selling alcohol to minors or youngsters attempting to purchase liquor.

Government alone cannot solve this problem. Families, schools, churches and community groups in the Lone Star State must join the effort to teach young people that consuming alcohol is never a right choice. Our youth must understand that drinking and driving – or getting into the car of someone who has been drinking – can be a fatal mistake. Adults must abandon attitudes that suggest certain amounts or certain types of liquor are tolerable for minors. Underage drinking is illegal and wrong, and Texans of all ages must not condone it.

Therefore, I, George W. Bush, Governor of Texas, do hereby proclaim April 1999,

YOUTH ALCOHOL AWARENESS MONTH



in Texas, and urge the appropriate recognition whereof.

In official recognition whereof,
I hereby affix my signature this
30th day of March, 1999.

A handwritten signature in black ink, appearing to read "George W. Bush".
Governor of Texas

“The goal of the TABC’s Safe Prom/Safe Graduation campaign is to prevent the underage drinking that is often associated with prom and graduation parties by offering alternatives and by explaining consequences. We want young people and their parents to know that there are choices, and we want to help

them make the right ones. At the same time, however, we want both parents and their teens to understand that if they make bad choices, choices that endanger their safety or the safety of others, we will do our best to ensure that they face the legal consequences of those choices,” notes Enforcement Chief Greg Hamilton. ♦

Commission Adopts New Rules

During recent meetings of the TABC, commissioners considered and adopted two new rules and amendments to a third. These rules govern promotional activities by members of the manufacturing and wholesale tiers at public entertainment facilities, transportation of alcoholic beverages by members of the manufacturing tier and operation of seller-server training schools.

The Commission adopted new rule **45.100** titled "Advertising and Promotion in Public Entertainment Facilities." The rule allows members of the wholesale and manufacturing tiers to advertise, sponsor and promote events at public entertainment venues, while insuring that such activities are not used to unlawfully control or influence retail operations at the facility. Public entertainment facilities are defined by the rule as any "arena, stadium, amphitheater, auditorium, theater, civic center, convention center or similar facility that is primarily designed and used for live artistic, theatrical, cultural, educational, charitable, musical, sporting or entertainment events." This definition does not extend to establishments the primary purpose of which is the sale or service of food and alcoholic beverages such as bars, nightclubs, restaurants, pool halls or dance halls.

In order for this rule to apply to a facility, alcoholic beverages may only be sold or served at the facility through an independent concessionaire. This concessionaire must have a written concession contract with the facility owner or operator, may not receive any monetary benefit from advertising or promotional revenues generated by the facility, and may exercise no right to control programming or booking decisions at the facility. The rule specifically commands that neither the premises owner nor operator nor any member

of the upper tiers of the alcoholic beverage industry may, directly or indirectly, control any of the concessionaire's decisions as to the quantities or brands of alcoholic beverages to be sold at the facility.

All advertising, promotion and concessionaire contracts governed by this rule must be filed within (30) thirty days of execution of the contract with the TABC district office having jurisdiction over the public entertainment facility.

Commissioners also adopted a new Rule **35.6** titled "Regional Forwarding Centers." The Alcoholic Beverage Code allows each member of the manufacturing tier to transport alcoholic beverages to authorized recipients. This rule allows these beverages to be temporarily held in a regional forwarding center during transit. A third party acting as agent for the manufacturing tier member may operate the center. However, no member of the wholesale or retail tier may hold any interest in the center. Also, no sale may occur at the center and retailers may not

take delivery of product there. The centers must be located in an area wet for the type of alcoholic beverages held there. Industry members wishing to use regional forwarding centers must pay an annual fee of \$1,000.00 to the commission and make monthly reports of activity at the center on forms supplied by the commission. Finally, the commissioners have amended Rule **50.4** dealing with operation of Seller-Server Training Schools. Previously, the schools were required to give the commission at least (3) three days notice of all scheduled classes. The commissioners recognized that this requirement impeded the occasional need of the schools to give classes on short notice. Accordingly, the rule has been amended to allow one fourth of the classes offered by a school in a given month to be scheduled without providing (3) three days notice to the commission. For those schools that give four classes or fewer within a month, one fourth of the classes conducted within a quarter may be held without providing the normal three days notice. ♦

And the Survey Said...

Alcohol is now seen as being less available in terms of buying from stores. In fact, there has been a noticeable decline in the percent of Texas students who said they obtained alcohol from a store between 1992 and 1998. Parties are the major source of alcoholic beverages for youths. The average age for first drinking beer was 12.3 years, followed by wine coolers and wine at 13.3 years. Binge drinking increased with grade level, with 26% of seniors who drank beer reporting they usually drank five or more beers at a time.

These are but a few of the findings contained in the 1998 Texas School Survey of Substance Use Among Texas Students: Grades 7-12. Conducted by the Texas Commission on Alcohol and Drug Abuse (TCADA), the survey offers detailed findings on alcohol use by young Texans. "It is comforting to know that access to alcoholic beverages through retail outlets has become more difficult. This reaffirms our commitment to agency initiatives such as Cops In Shops and our minor sting efforts," notes TABC Administrator Doyne Bailey. "It also serves as a reminder that most of the businesses we license and regulate comply with state law governing the sale of alcoholic beverages to minors and are as committed to targeting underage drinking as we are," adds Bailey. ♦

76th Legislature Tackles Various Issues

Once again as in all odd-numbered years, the Texas Legislature met in Austin. A total of 5,814 bills were filed by state lawmakers for consideration this session. Of these, 65 were amendments to the Texas Alcoholic Beverage Code.

Some of the issues facing state lawmakers this session had to do with increased penalties for illegal direct shipping of alcoholic beverages from out of state to Texas residents, sobriety checkpoints, an open container bill, a measure prohibiting "Taxi-dancing" in licensed establishments by anyone under 18 years of age and some cleanup language involving actions relating to minors.

Other issues considered were lowering the definition of intoxication from .10 Blood Alcohol Content (BAC) to .08 BAC to save lives, reduce the number of DWI's and to forego loss of federal highway transportation funds if the level is not reduced. The stricter .08 limit has been adopted by 16 other states and the federal government plans to penalize states for failing to attack the drunk driving problem more vigorously.

The new law, which has been signed by Governor George W. Bush, takes effect September 1, 1999. "This legislation will make our streets safer, and it sends a clear signal to Texans that drinking and driving don't mix," said Governor Bush.

The industry trade association as well as senior agency staff regularly testified to the various legislative committees to give input on legislation. Although state employees are prohibited from being for or against legislation, they are asked to be resource witnesses to provide information as to what the effect of a bill would be or what the cost would be to implement the legislation.

If you are interested in legislative matters, the legislature has created a web page for people to pull up bills they may be interested in and get additional information on a particular bill. The address for the Internet site is <http://www.capitol.state.tx.us>. By the way, the 77th Legislature convenes January 9, 2001. ♦

Spring Break '99: A Recap

Sunny skies and warm weather drew thousands of college students from across the United States and Canada to the Texas coast during Spring Break. Observers rated the 1999 Spring Break crowd as being "much larger than normal, but generally well-behaved." While a small number of alcohol poisonings and alcohol-related injuries marred the three-week event, local TABC supervisors were pleased to report that no deaths occurred.

As usual, TABC enforcement agents were on the beaches to assist the local police with crowd control and to conduct their own enforcement activities, which included minor stings, Cops In Shops, and Cooperative On-Premises Stings. Twenty-seven TABC agents, most working double shifts, were involved in agency's Spring Break efforts. They collectively filed approximately 2500 criminal cases during the Spring Break period, including citations for such offenses as minor in possession, juvenile in possession, making available, sale to minor, attempted purchase by a minor, public intoxication, failure to identify, evading/resisting arrest, disorderly conduct, assault, possession of drug paraphernalia and various traffic offenses.

As in past years, TABC agents worked with local peace officers, Ports of Entry Taxpayer Compliance Officers, Cameron County Sheriff's Office and Customs Officials to target underage drinkers returning from Mexico. This year's operation, dubbed "Weed and Seed," brought various local law enforcement agencies together at the Brownsville-Matamoros border. Most of the citations issued were for public intoxication and evading or resisting arrest. One teen was charged with assaulting San Antonio Captain Richard Jauregui after she bit his arm during a public intoxication arrest.

Common Sense in a "Regulatory Environment"

Most regulatory agencies depend on voluntary compliance because they do not have the staff or funding needed to catch every potential infraction. Few regulatory agencies, however, make a concerted effort to help businesses and others comply. The Texas Alcoholic Beverage Commission (TABC) takes a number of steps to help bars, restaurants, and retailers that sell alcoholic beverages comply with appropriate regulations. TABC's "Cops In Shops" program places agents in retail stores to pose as employees. The participating agents help store employees identify false identification cards, minors attempting to purchase alcohol, and individuals who are intoxicated or attempting to purchase alcohol on behalf of a minor. The National Association of Governors' Highway Safety Representatives judges this program particularly effective in reducing violations by minors. The program's ultimate goal is to reduce alcohol-related traffic fatalities. (From "Common-Sense Regulation: TABC Partners with Retail Stores," Texas Performance Review, "Challenging the Status Quo.") ♦

You Asked... *questions about alcoholic beverage regulations*

Is there a limit to the size of the word "beer" on the front of a building? I was informed that it could not be over 12 inches and could only be on the building once.

Assuming you are referring to the outdoor signage permitted for an establishment that is licensed to sell beer, the lettering of the sign may not be more than 12 inches in height, and may not contain any wording, insignia, or device representative of the brand or name of any alcoholic beverage. If the establishment faces only one street, its exterior signage is limited to one sign. The TABC may authorize a sign over each entrance if the establishment faces more than one street.

◆ ◆ ◆ ◆
Does the Alcoholic Beverage Code or administrative rule prohibit on-the-job consumption of alcohol by an employee of a private club?

The Alcoholic Beverage Code does not prohibit private club employees, who are 21 years of age or older, from drinking on the job as long as they are members of the club or a guest of a member. The drink must be

appropriately documented as a service of alcohol to a member or guest. If the employee drinks too much and becomes intoxicated, the club is in violation of the Code. The violations are: service to an intoxicated person (including self-service), and permitting an intoxicated permittee, or employee of the permittee, to be on the premises.

◆ ◆ ◆ ◆
I own a restaurant in San Antonio. I have my son run the cash register at the restaurant on Saturday's and after school. I was wondering if he is allowed to do this job?

If your son is under 18 years of age, he may not operate the cash register at an establishment that is licensed to sell alcoholic beverages for consumption on the premises. The cash register operator is considered a part of the sale of alcohol, just like the waitperson or bartender. The Alcoholic Beverage Code prohibits people under 18 years of age from being involved in the sale of alcoholic beverages at establishments licensed for on-premises consumption.

Allan Shivers, Jr., Chairman
Martha Dickie, Commissioner
John T. Steen, Jr., Commissioner
Doyle Bailey, Administrator

The *TABC Today* is an external publication of the Texas Alcoholic Beverage Commission. We welcome comments, suggestions and/or questions from our readers. To report a possible violation of the Alcoholic Beverage Code, call toll-free 1-888-THE-TABC (Voice/TDD).

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