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| *www.IowaABD.com* | *Lynn M. Walding, Administrator* |

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|  | e - NEWS |
| *April 6, 2007* | |

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**[I. NATIONAL NEWS.](#I)**  
  
  
**1. Alcohol Awareness Month to Focus on Underage Drinking**

*National Council on Alcoholism and Drug Dependence*

March 24, 2006

Each April since 1987, the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) has sponsored Alcohol Awareness Month to encourage local communities to focus on alcoholism and alcohol-related issues. This April, NCADD will be highlighting the important issue of underage drinking, a problem with devastating consequences. Alcohol use by young people is extremely dangerous - both to themselves and to society at large, and is associated with traffic fatalities, violence, unsafe sex, suicide, educational failure, and other problem behaviors.

Some key facts:

    \* Alcohol is the number one drug of choice for America's young people;

    \* Those who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at age 21;

    \* Each day, 7,000 kids in the United States under the age of 16 take their first drink.

    \* Underage alcohol use costs the nation an estimated $53 billion annually.

Reducing underage drinking is critical to securing a healthy future for America's youth and requires a cooperative effort from parents, schools, community organizations, business leaders, government agencies, alcohol manufacturers and retailers, the entertainment industry, and young people themselves. This year's theme for Alcohol Awareness Month is A Call to Action and it highlights the need for working together to create comprehensive education, prevention, intervention and treatment resources.

"The issue of underage drinking is a complex problem," says Robert J. Lindsey, President of NCADD, "one that can only be solved through a sustained and cooperative effort. But if we care about the health and well being of our children, the bottom line is that we need to do everything we can to discourage them from drinking for as long as possible."

Unfortunately, it remains relatively easy for teenagers to get access to alcohol and, despite serious concerns, kids are flooded with media messages that glamorize alcohol use, increasing the likelihood that they will drink themselves.

"We need to wake up to the problem and to recognize the reality that for some, alcoholism and addiction develop at a young age and that intervention, treatment, and recovery support are essential for them and their families," says Lindsey. "We can't afford to wait any longer."

An integral part of Alcohol Awareness Month is Alcohol-Free Weekend (April 7-9, 2006), which is designed to raise public awareness about the inappropriate use of alcohol and how it may be affecting individuals, families, and the community. During this seventy-two-hour period, NCADD extends an open invitation to all Americans, young and old, to participate in three alcohol-free days and to use this time to contact local NCADD Affiliates and other alcoholism agencies to learn more about alcoholism and its early symptoms.

For more information about underage drinking, Alcohol Awareness Month and Alcohol-Free Weekend, visit the NCADD website at: [www.ncadd.org](http://www.ncadd.org/).

<http://www.jointogether.org/news/yourturn/announcements/2006/alcohol-awareness-month-to.html>

grapes

**2. Choosing Sides**  
  
Samantha Oller  
*CSP Daily News*March 30, 2007Despite what may be the declining value of the cigarette contract, a face-off between Reynolds American Inc. and Philip Morris USA is highlighting the delicate and precarious position retailers

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find themselves in today.

As part of its 2007 contract, Reynolds requests that its premium contracted retailers display its brands in a vertical set effective April 1; this is in conflict with PM USA's current horizontal set arrangement, which provides the coveted heavy exposure on the top of the display fixture.

“They’re saying if you don’t try to work with us in terms of a vertical set, you’re going to lose discounting of up to $2 a carton on their major brands,” says Jerry Smith, director of operations for U.S. Oil Co. Inc.’s Express Convenience Centers, Combined Locks, Wis. “That would come down to 20 cents a pack, which would really make it difficult to compete in the marketplace for someone else with a higher program than you in Reynolds.”

Meanwhile, PM USA is offering 50 cents more per carton on the major Marlboro brand and increased incentive payments to retailers who keep the horizontal set.

Rick Baker, senior director of trade marketing for R.J. Reynolds Tobacco Co., Winston-Salem, N.C., explained that vertical merchandising gives the company the platform to communicate its new products to adult smokers.

“We believe that the consumer is the most important person to our business and the business of every retailer,” Baker told CSP Daily News via e-mail. “Success for the retailer and for us is based upon the ability to communicate with the consumer.

“The issue with the current industry sets that many retailers have in place is that it allows one manufacturer to truly dictate how we communicate with adult tobacco consumers,” Baker continued. “We have offered the retail trade an opportunity to open up a dialog with adult tobacco consumers about the category that will truly showcase a complete category approach vs. a manufacturer-dominated approach. If you look at other categories at retail (beer, carbonated beverages, salty snacks, etc.), there is not a single one that is merchandised in what is commonly known as the T-set.”

David Sutton, spokesperson for PM USA, Richmond, Va., declined to comment on the dueling contracts, other than to note that the premium CMO5 level of PM USA’s 2007 Retail Leaders contract is designed to help retailers build store loyalty. “We offer different options under the Retail Leaders program that provide flexibility to suit the needs of the individual retailers,” he said. “It’s really about a partnership at the end of the day with our retailers.”

But for retailers, choosing between the biggest money-makers for the category is difficult and a decision that forces them to assess their relationship with the majors on largely financial terms.

“There’s no way you can be on both of their premium programs, and this is the first time that’s ever happened,” said Smith, who notes that about 62% of Express Convenience Centers’ sales come from PM USA brands. “All retailers will have to run the math to see what they can do. We may have to go the Reynolds route just because you can’t subsidize Camel for 20 cents per pack. I think that’s about $80,000 to us, if we had to subsidize that, in profit per year, or about $40,000 per dime we’re looking at with subsidizing the Reynolds Camel brand.”

“We’ll have to make some decisions,” agrees Bob Richardson, category manager of cigarettes and other tobacco products for E-Z Mart Stores Inc., Texarkana, Texas. “If discounting goes from a $1 spread from where we are now to the maximum level, to $2 and $2.50, that puts us at even more of a disadvantage, so we have to consider inventory costs of carrying all of their compliance brands.”

grapesLou Maiellano, president of TAZ Marketing & Consulting, Levittown, Pa., recommends that other retailers wrestling with the contract dilemma let the consumer drive their decision. “If [the cigarette manufacturers] choose to offer something that’s unacceptable with you, you’re going to have to weigh the cost of that, making the decision to partner with them or maybe not partner at the same level you would have been in the past,” he said.  
  
<http://www.cspnet.com/ME2/dirmod.asp?sid=&nm=&type=Publishing&mod=Publications%3A%3AArticle&mid=8F3A7027421841978F18BE895F87F791&tier=4&id=EEA26F0781E74E84BCFFE4234F9B400E>  
  
  
  
  
  
  
**3. Diageo Brands Continue to Lead Impact Databank's Top 100 Premium Spirits List  
  
*PR Newswire*  
March 29, 2007**

Diageo, the world's leading premium drinks business is pleased to announce that eight of its spirit brands are among the top 20 premium spirits in the world, according to Impact Databank. Once again, Impact ranked Smirnoff as the number one premium spirit in the world in 2006, with estimated volume sales of nearly 23 million nine-litre equivalent cases. Seven other Diageo brands were listed in the top 20, including: Johnnie Walker, Captain Morgan, Baileys, Jose Cuervo, J&B, Gordon's Gin and Crown Royal.

"Diageo's strategy has always been to offer our customer and consumers the leading brands they want to order time and time again," said Paul Walsh, CEO, Diageo plc.

Impact, a leading drinks trade publication, releases this exclusive ranking of the world's top 100 spirits brands every year.

Walsh continued, "I'm delighted with the performance of our brands during the past year and Impact's ranking simply illustrates how Diageo's brands are truly leaders not only in their respective categories, but among all premium spirits globally."

grapesIn 2006, Smirnoff widened its lead over Bacardi to nearly 4 million cases sold worldwide. Johnnie Walker led the whisk(e)y category and claimed the number 3 spot overall thanks to its standout performance in 2006. In addition, Impact ranks Johnnie Walker as the top brand by retail value, selling $4 billion worth of product.  
  
<http://www.earthtimes.org/articles/show/news_press_release,82573.shtml>  
  
  
  
  
  
  
**4.** **Marketing of new Alcoholic Beverage has some Parents Upset**

Peter Alexander  
*NBC News*April 4, 2007

Anheuser-Busch has a new alcoholic beverage for sale called Spykes and according to the brewing company the target consumers are young adults.

But critics and some parents are complaining that the slick on-line marketing techniques are really designed to go after underage drinkers.

Some are spicy. Others hot. Both have parents like Cassie Johnson upset.

"When I went on the Web site the first thing was the loud music. It was flash..bright colors..orange and green. It was definitely a fun kids place."

It may be fun, but a closer look reveals that it's no place for kids.

Spykes, by Anheuser-Busch, is sold in several flavors like spicy mango and hot melons. Each two ounce bottle is barley bigger than a bottle of nail polish and contains 12 percent alcohol and some parents are concerned.

"What bothers me most is that they are targeting my kids. And my underage drinking kids - junior high, high school age, that's who this is going after," Johnson said.

James Mosher who works on alcohol policy at the Pacific Institute for Research and Evaluation agrees.

"Spykes is just the latest of a whole series of these types of products that the alcohol industry has put out that cater to youth taste and youth culture."

Anheuser-Busch is the nations' largest brewery. Officials with the company say it only markets it's products to adults and shouldn't be blamed for

[Click here for Video](http://www.kare11.com/video/player.aspx?aid=45332&bw=)

underage drinking.

"Two thirds of teen who drink say that they get their alcohol from parents or from other adults that's where we really should be focusing our efforts. I mean all this fear mongering about a 12 percent product that goes into a beer is nothing more than that fear mongering," Francine Katz ,Vice President of Communications and Consumer Affairs for Anheuser-Busch said.

Judy Dahlson, who has two teenage daughters, says it's not fear mongering, it's a legitimate fear, especially given that graduation parties are coming up.

"We have prom coming up, end of the year dances and this is going to be the stuff the kids are going for if they're to try to sneak something in. Even on the Web site it says these are for fun experimentation and trying new things . Well kids at that age, they don't need to be trying those things."

grapesExperts warn that since teens make-up a sizable percentage of all alcohol sales in the U.S., Spykes could very likely become the latest product teens might be enticed to try.   
  
<http://www.kare11.com/news/ts_article.aspx?storyid=249806>  
  
  
  
  
  
  
**5. Group Urges Anheuser To Pull Product**

Julie Jargo  
*Wall Street Journal*April 5, 2007

An advocacy group called on Anheuser-Busch Cos. to recall its Spykes malt beverages, saying they are a "shameful ploy to market malt liquor to the Lunchables set."

Spykes are two-ounce malt beverages that also contain caffeine, ginseng and guarana, according to the St. Louis beer giant's Web site. The drink "gives your beer a kick, adds flavor to your drink and is perfect for a shot," the site says.

In a statement yesterday, the Center for Science in the Public Interest in Washington attacked the drinks as "liquid Lunchables," after the children's lunch kits made by Kraft Foods Inc. CSPI said Anheuser subtly markets Spykes to underage drinkers. Spykes "come in colorful teeny two-ounce containers and in kid-friendly flavors like Spicy Mango, Hot Melons, Spicy Lime and Hot Chocolate," CSPI said.

A two-ounce Spykes drink contains 12% alcohol by volume, about the same percentage as many types of wine. A 12-ounce can of Budweiser contains 5% alcohol by volume.

George Hacker, CSPI's director of alcohol policies, said he has no hard evidence that minors are consuming the malt beverages but said law-enforcement officials and substance-abuse counselors have told him that the drinks are popular among teenage drinkers.

Francine Katz, Anheuser's vice president of communications and consumer affairs, said: "Our products are intended for adults and are marketed responsibly. We're committed to fighting underage drinking, but the way you do it is not to limit choices for adults."

Ms. Katz said Anheuser markets Spykes by word of mouth and in liquor stores where people must be of legal age to buy. Because the products have been in retailers nationwide only since January, she said, it is too soon to say how they have been selling.

Sam's Wines & Spirits, a large liquor-store chain in Illinois, won't be stocking Spykes out of concern that the products appeal to minors.

"There's a very fine line between marketing" to those above and below legal drinking age, "and the best way not to cross that line is to not market to kids. We don't want to be part of that," Sam's President Brian Rosen said.  
  
<http://users2.wsj.com/lmda/do/checkLogin?mg=evo-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB117570908402259893.html%3Fmod%3Dtodays_us_marketplace>

grapes

**6. A-B gets Skewered on 'Spykes' Drinks**

Jeremiah McWilliams  
*St. Louis Post-Dispatch*April 6, 2007

"Spykes" is Anheuser-Busch Cos.' smallest product - a 2-ounce bottle of flavored malt beverage meant to be mixed with beer or other alcoholic drinks, or quaffed as a shot. But right now, the tiny drink is the St. Louis brewer's biggest public relations headache.

Activists and some researchers accuse A-B of creating a beverage and a marketing image that entice minors - prom-bound and otherwise - to try the flavored brews, which are packaged in colorful bottles and hold 12 percent alcohol by volume.

After test-marketing the product in 2005, A-B rolled out Spykes more broadly last year, and it is now available in more than 30 states, including Missouri and Illinois. Advertisement

"Spykes is a predatory move to attract underage drinkers," Joseph Califano Jr., chairman of the think tank National Center on Addiction and Substance Abuse, said in a statement.

But A-B says Spykes is simply part of an effort to respond to adults looking for innovative alcoholic beverages.

Adults ages 21 to 29 years old have been steadily drifting toward distilled spirits, embracing a "cocktail culture" that offers diverse flavors and mixtures.

Anheuser-Busch hopes to attract those drinkers by offering flavorful products like Spykes, which the company says "gives your beer kick." They also can be mixed with drinks like vodka and rum.

But critics say those same characteristics make Spykes attractive to underage drinkers.

Spykes offers four flavors - lime, mango, melon and hot chocolate. And that variety appeals to teenage palates, opponents say.

Shades of Spuds MacKenzie

Spykes also contains caffeine, ginseng and guarana, which appear in energy drinks popular among teenagers and young adults.

Because the flavor masks the strong taste of alcohol, Spykes initiates teenagers into the drinking culture, critics add, though they acknowledge a dearth of empirical evidence implicating Spykes.

"There may be a young adult market for this, but's it's not just young adults - it skews much younger than that," said George Hacker, director of alcohol policies at the Washington-based Center for Science in the Public Interest, which has long been a bitter foe of A-B. "We're not saying young people are the only targets, but we are saying Anheuser-Busch is not exercising the responsibility it should."

Spykes holds about three times as much alcohol per ounce as Bud Light. But distilled spirits, such as 70-proof vodkas, can have three times as much alcohol by volume as Spykes.

Some also say the small bottles can be easily shoplifted and concealed in purses.

People worried about small containers being concealed should focus on beverages with three or four times Spykes' alcohol concentration, said Francine Katz, A-B's vice president of communications and consumer affairs.

"As with all of our products, we encourage the responsible consumption of Spykes," Katz said in statement. She added that A-B and its wholesalers had spent more than $500 million since 1982 to prevent alcohol abuse, including underage drinking. "Frankly, we're perplexed at this criticism."

By some measures, underage drinking has declined in recent years. The percentage of eighth-graders who have used alcohol in the past 30 days declined by more than third from its peak in 1996, according to a Monitoring the Future survey released in December. The study is funded by the National Institutes of Health.

Among 10th-graders, the percentage has fallen one-sixth since the 2000 peak, the survey found. For 12th-graders, there has been a one-seventh drop since 1997.

Still, for the alcohol industry to view caffeine-alcohol mixed drinks as growth opportunities is a "serious concern," said Jim Mosher, director of the Center for the Study of Law and Enforcement Policy at the Pacific Institute for Research and Evaluation. "We don't need products that are so appealing to young people."

A-B says Spykes is not an energy drink and has about as much caffeine as one ounce of dark chocolate.

The blow-up over Spykes echoes previous fights over underage drinking and alcohol marketing.

Five years ago, the Center for Science in the Public Interest, the National Center on Addiction and Substance Abuse and other critics blasted flavored malt beverages.

"Malternatives" such as Smirnoff Ice, Skyy Blue and Mike's Hard Lemonade appealed to teenagers and served as a handy bridge to harder drinks, they said. Class-action lawsuits were launched in California, Ohio and other states against big alcohol companies, including Anheuser-Busch.

A year ago, the National Center on Addiction called for federal regulation of alcohol advertising, claiming that alcohol companies do not effectively police themselves and reap "enormous profits" from underage drinking.

Demanding that A-B pull Spykes off the market, CPSI on Wednesday threatened litigation if state attorneys general "do not act."

grapesA-B has done little traditional marketing for Spykes, preferring to use word-of-mouth and samplings at places licensed to sell alcohol. By the end of last year, the lime and melon flavors were sold in 32 states, with mango and hot chocolate varieties sold in 30 states. Spykes are now sold in about 300 markets, including the St. Louis area.   
  
<http://www.stltoday.com/stltoday/news/stories.nsf/stlouiscitycounty/story/6A284196827D38B3862572B5000FF1D1?OpenDocument>  
  
  
  
  
  
  
**7.** **Patron Slapped by Industry Group for Sexy Ad Imagery**

Jeremy Mullman  
*AdAge*March 30, 2007

Perhaps the hottest sprits brand going right now, Patron Tequila, is being slapped by the sprits industry’s governing body for using sex to fuel its surging sales.

**Marketing code**

The Distilled Spirits Council of the U.S. released its semi-annual marketing code report yesterday, in which it disclosed the outcome of its reviews of every marketing complaint it received during the second half of 2006.

The industry generally gets a high rate of compliance with its marketing code, in part because its good behavior in recent years has helped the industry gain access to cable TV and other channels that were traditionally closed to liquor advertisers.

**Sales doubled**

Patron, which saw its sales double last year, was the report's most-cited advertiser, drawing complaints for three different ads and, in each case, having the complaints against it validated by the Discus board.

"The idea behind the Patron Tequila 'Simply Perfect' campaign has always been to fuel debate about what is 'perfect,'" Patron's chief operating officer, John McDonnell, said in a written statement responding to questions. "Of course, as supporters of responsible advertising, when these three ads were called into question, we cooperated fully and immediately took responsive action."

Two of the three complaints centered on the distiller's "Simply Perfect" ad campaign, which pointed out that some types of perfection are debatable, but others, such as Patron, are not. In one of the ads, a couple lay in bed. Over the man's head, a caption read: "The perfect girl." Over the woman's: "The perfect one-night stand."

**Alcohol and sexual prowess**

"After careful deliberation ... the depiction of a man and a woman in bed with an open bottle of tequila at the foot of the bed, and clothes and undergarments strewn on the floor in front of the bed linked the consumption of alcohol to sexual prowess," the decision read.

According to the report, Patron immediately withdrew the ad after Discus' decision, even though it is not a member of the organization. It also withdrew another "Simply Perfect" ad, which showed two women in a nightclub setting captioned "battery operated" and "the real thing" after board ruled the ad connoted "overt sexual activity."

Patron received a third citation, along with Hennessy Very Special Cognac, for advertising in the newsstand edition of Spin magazine that did not meet the industry's standards of having an audience of at least 70% drinking-age readers. Both advertisers agreed not to advertise in Spin's newsstand edition going forward.

Another sort of youth-marketing mishap came courtesy of Margarita King, which portrayed a woman sipping the tequila-based cocktail from a baby's bottle under the tagline "Sip Maturely." The marketer, a non-Discus member, pulled the bottle from future spots at the board's urging.

But not all the cited marketers were as compliant.

**Bong Vodka**

Bong Vodka, a non-Discus member, apparently ignored the group after it took issue with the brand's water pipe-shaped bottle. The marketer originally argued that the packaging was "pop-icon imagery" dating back 100 years to the vodka's Dutch roots.

Discus wasn't smoking that explanation: "The marketing of a distilled spirit in a bottle shaped as a bong, which is a device commonly known to be used to smoke marijuana, in conjunction with using the word 'bong' in the brand name implies illegal activity."

grapes<http://adage.com/article?article_id=115839>  
  
  
  
  
  
  
**8.** **Red-Hot California Cult Wineries Fight Fakes With High Tech**

Elin McCoy  
*Bloomberg*  
March 30, 2007   
  
Colgin Cellars, whose over-the-top cabernets from California's Napa Valley sell at auction for hundreds of dollars, is the first ``cult'' winery to say it's fighting off potential fakes with new technology from Kodak.

Owner Ann Colgin just signed a deal with the company's security solutions division. Though the former Sotheby's auctioneer says she's not aware of any Colgin counterfeits out in the marketplace, ``the problem has been an issue on my radar for some time.''

In the growing concern about fake wines, most attention has focused on blue-chip Bordeaux and Burgundy and rare old bottles. But California's in-demand cult cabs and cab blends, such as Colgin, Harlan Estate and Screaming Eagle, are prime targets: They're made in minuscule quantities and sell for $200 to $500 a bottle only to subscribers on mailing lists, some of whom flip them for two to four times the price.

Kodak already has had discussions with other winemakers, though the company won't describe the details of Colgin's security system. (Ann Colgin also refused, citing signed non- disclosure agreements.)

Kodak's Web site says the company's Traceless system, marketed as an anti-counterfeit solution to the drug industry, could be used to protect ``premium wines.'' It uses invisible markers that can be mixed with printing inks or paper and are detectable only with proprietary portable readers. These are leased to clients and can't be opened without being damaged.

**Hard to Find**

Colgin is one of a handful of cult wineries started in the flush 1990s, when their ultra-expensive, hard-to-obtain bottles were discovered by dot-com millionaires. Now more than 200 labels with tiny productions aim for similar cult status.

Today 3,000 people are waiting for a spot to open on Colgin's mailing list of 2,300. The winery's 2,500-case annual production of five wines includes the much sought-after Herb Lamb Vineyard Cabernet. The 1997 is now trading at auction for about $800 a bottle.

Harlan Estate has been ahead of the anti-counterfeit curve from its first vintage, 1990. ``The labels are printed on banknote paper by a 250-year-old currency company,'' says winery director Don Weaver. Starting with the 2004 vintage, every bottle will be numbered. The difficult-to-open wax caps are tamperproof, Weaver says.

Yet when it comes to the ultimate cult cab, Screaming Eagle, ``you could easily copy the label on a laser printer,'' observes Michael Greenlee, wine manager at New York's Gotham Bar & Grill, which has Screaming Eagle on its list. ``With the prices asked, it's the biggest target.''

**Pricey Bottles**

People are still talking about the $500,000 paid for a 6-liter bottle of the first vintage, 1992, at the Napa Valley Wine Auction in 2000. A 60-bottle lot of 10 vintages brought $176,250 at a Christie's auction last November.

Screaming Eagle's general manager, Ursula Hermacinski, said in an e-mail that she and new owner Charles Banks, an investment manager who bought the winery last year with real estate and sports mogul Stan Kroenke for an estimated $30 million, have discussed the potential for forgery. She said she's never seen a suspicious bottle of Screaming Eagle.

Still, Marc Lazar, owner of St. Louis-based Cellar Advisors, which does inventory management for collectors, reports that in one cellar he found a magnum of Screaming Eagle whose label ``looked as if it was made by a color laser copier. When I cut the capsule, I could see the cork wasn't branded.''

**Suspicious Magnums**

Leo Fenn, who sells cult wines to collectors through his Web site, says he has been offered -- and declined -- Screaming Eagle magnums with suspicious-looking labels. Fenn founded VerifyWine 3 1/2 years ago, teaming up with Lazar last year to market their patented anti-counterfeit technology to auction houses as well as wineries. A VerifyWine seal, placed on each bottle before it's released, contains tamperproof DNA tags, a hologram and a unique alphanumeric code. The number is registered on the Web site, and the seal can't be pulled off intact.

Each purchaser can register ownership, thus creating a complete provenance for the wine. One incentive is that VerifyWine will guarantee all registered bottles for full market value.

Whether cult wines are worth the high prices is another matter. I've been impressed with the exotic 2002 Colgin Herb Lamb Vineyard Cabernet ($650), and I've long been a big fan of the seamless, glossy Harlan Estate (2001, $1,000; 2003, $700). My rare encounters with Screaming Eagle haven't convinced me it's worth twice Harlan's price. On the other hand, at $2,000, the 2001 is cheaper than the Bordeaux cult 2000 Le Pin ($3,400).

But back to Colgin. Surely Kodak's challenge was to improve upon Ann Colgin's own marker. At auctions where she's been present, successful bidders often asked her to sign their Colgin bottle. Famous for her trademark bright red lipstick, Colgin started a tradition of kissing the label, leaving an impossible- to-fake lip print.

<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=axwIZqgiwiHI>

grapes

[**II. IOWA NEWS.**](#II)

# 9. Brewer taps into Spirits Market Anheuser-Busch brings its Jekyll & Hyde to Iowa

# Patt Johnson *Des Moines Register* April 6, 2007 Beer company Anheuser-Busch's leap into the distilled spirits market has found its way to Iowa.

# Consumers will get their first tastes of Jekyll & Hyde in the next few weeks, as liquor stores and bars begin selling the layered libation.



Lynn Walding, administrator of the Iowa Alcoholic Beverages Division, shows Jekyll & Hyde, an Anheuser-Busch product, in the Iowa division’s warehouse in Ankeny. “Spirits and wine have seen phenomenal growth,” Walding said. Jekyll & Hyde can be mixed together.  
Holly McQueen – Register Photos

# "Spirits and wine have seen phenomenal growth," said Lynn Walding, administrator of the Iowa Alcoholic Beverages Division.

# Shoppers bought 3.7 million gallons of liquor in Iowa during the last fiscal year, up almost 7 percent from the same period a year earlier. Wine sales totaled 3.2 million gallons, also up nearly 7 percent, while beer sales hit 75 million gallons, an increase of about 1 percent.

# The national trend has prompted St. Louis-based Anheuser-Busch Cos. to dip into the distilled spirits pool.

# "With this product, Anheuser-Busch is showing that they are willing to adapt to what consumers are asking for," said Kaumil Gajrawala, an analyst with UBS in New York. "Jekyll & Hyde is a market research tool for them so they can learn more about the distilled spirits market."

# Anheuser-Busch, with its premier brand being Budweiser beer, began introducing Jekyll & Hyde into larger metropolitan areas such as Boston, Chicago, St. Louis and San Antonio within the last 18 months.

# [http://cmsimg.desmoinesregister.com/apps/pbcsi.dll/bilde?Site=D2&Date=20070406&Category=BUSINESS&ArtNo=704060369&Ref=V1&maxw=250](javascript:NewWindow(600,520,'/apps/pbcs.dll/misc?url=/misc/zoom.pbs&Site=D2&Date=20070406&Category=BUSINESS&ArtNo=704060369&Ref=V1');)"While beer remains our priority, we are pursuing emerging growth opportunities outside traditional beer categories," said Dave Peacock, vice president of business operations for Anheuser-Busch.

# http://cmsimg.desmoinesregister.com/apps/pbcsi.dll/bilde?Site=D2&Date=20070406&Category=BUSINESS&ArtNo=704060369&Ref=V2&maxw=250The product is sold in two bottles that curve to form a single look with a label of two different men reminiscent of the characters in the Robert Louis Stevenson tale of dual personalities. Jekyll is a red wildberry liqueur, and Hyde a black licorice-flavored spirit.

# The two can be served together as a shot. The product also is being marketed as an ingredient for martinis and other cocktails.

# In addition, Jekyll & Hyde can be combined with energy drinks such as Anheuser-Busch's 180. That mixture rivals a popular combination: Jagermeister herbal liqueur and Red Bull, an energy drink.

# Iowa is the first liquor-controlled state in which Anheuser-Busch is distributing the product. Iowa law requires all liquor to be sold to the state, which then sells it to distributors. It is one of 19 such states.

# Anheuser-Busch delivered the first shipment this week to state warehouses in Ankeny.

Lynn Walding, administrator of the Iowa Alcoholic Beverages Division, shows Jekyll & Hyde. The two parts can either be mixed or sipped separately. It's also being marketed as an ingredient for martinis and cocktails and can be combined with energy drinks.

# Wholesaler and retailer Tom Duax said he put out the product in his Central City Liquors shop in Des Moines on Wednesday.

# The success of the product will depend on how it's marketed, and not on its parent's reputation, Duax said.

# "They are in the beer business; what do they know about the liquor business?" Duax said he asked the local Budweiser distributor.

# Jay Doll, vice president of Doll Distributing, the local Anheuser-Busch distributor, said the beer company has an "incredibly strong network of distributors in Iowa that have been very successful" in distributing its beer products. That network will be able to do the same marketing with Jekyll & Hyde and other Anheuser-Busch products, even though it won't be involved in the distribution, he said.

# The new product will be sold by the bottles at liquor outlets and as a drink in most bars and taverns, he said. <http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704060369>

**grapes****10. With Culver's signature, keg Registration now Law**

Jason Clayworth  
*Des Moines Register*April 6, 2007

Beer keg registration is now an Iowa law, signed Thursday by Gov. Chet Culver.

Beginning July 1, all retailers in Iowa that sell keg beer must issue a tracking number and maintain records of who made the purchase.

The law, House File 650, is intended to discourage adults from buying beer for teenagers.

"It's a tool for law enforcement. It's also a message to adults who choose to violate state law that they will be held accountable," said Rep. Mike Reasoner, a Democrat from Creston who has worked since 2003 to obtain a statewide keg registration law.

Lynn Walding, administrator of the Iowa Alcoholic Beverages Division, said Thursday that stickers and other information will likely be mailed to retailers in June. Retailers will be charged the cost of the stickers, which he said would be minimal.

Culver also signed two other bills into law Thursday:

- Senate File 509 sets up standards for organ donations in Iowa. The law spells out consent and revocation processes, which advocates say provide stability and predictability to the state's organ donation processes.

- House File 617 is known as the "Generation Iowa" bill. This bill creates a new "Generation Iowa Commission" within the Department of Economic Development. The idea behind the bill is to help retain and attract young people throughout the state.

Culver noted Thursday that the state faces a shortage of skilled workers within the next five years.

# grapes"The new generation needs to have input and, through House File 617, they can begin to create a dialogue that will inform government, community and citizens," he said. <http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704060396> 11. Bill would ban Smoking at Outdoor Games Jason Clayworth *Des Moines Register* April 3, 2007

Smokers and snuff users can say goodbye to that mid-game use behind the outdoor bleachers this summer if lawmakers approve a school-wide tobacco ban.

All public school employees, students and visitors would be prohibited from using tobacco products anywhere on school property under a proposal before the Iowa House.

Roughly 70 percent of schools already have policies that ban smoking on school grounds, but some do not specify snuff and other tobacco products.

House File 754 would create consistency throughout the entire state, advocates of the bill said.

People who violate the law would not face fines. They would most likely be asked to immediately stop or leave school property, much the same way that swearing is handled, said Mary Gannon, an attorney for the Iowa Association of School Boards.

grapesDebate on the issue before the Iowa House is possible this week.  
  
<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070403/NEWS/70403017/1001/NEWS>  
  
  
  
  
  
  
**12.** **Iowans head for Border to Snag Cheaper Cigarettes**

John Carlson  
*Des Moines Register*April 1, 2007

It was very quiet in the little southern Iowa convenience store.  
  
A few people were filling their cars with gas, but the cigarette business here was, well, nonexistent.  
  
"We haven't ordered cigarettes in two weeks," said Desirae Silver, working the cash register at the Cenex store in this town on Iowa's southern border. "I've sold one pack today."  
  
Want some action?  
  
Drive south for about five minutes, park a few steps over the Missouri border, and talk to the folks at Stateline Conoco - if they have a second to spare.  
  
"It's nuts around here," said Tammy Escrogin, ringing up a couple of cartons of Marlboros for a guy with Iowa plates on his truck.  
  
"Crazy," said Jennie Hancock, unloading boxes of cigarettes and frantically stocking shelves. "I've sold 27 cartons since I walked in here. It used to be five or six by this time. We got a shipment of 788 cartons today. It used to be 200 cartons."  
  
Of course, that was before the Iowa Legislature passed Gov. Chet Culver's top-priority tax bill, adding $1 to the tax Iowans already paid for a pack of cigarettes.  
  
That made Iowa's cigarette tax $1.36 a pack, the 17th-highest in the nation. Missouri's tax, at 17 cents, is the second-lowest in the country.  
  
Stores in northern Missouri are filled with Iowans stocking up on cigarettes.  
  
What about the Iowa law that prohibits people from bringing more than two packs of cigarettes at a time into the state? Forget it. Nobody is paying attention.  
  
"The first day the Iowa law went in, we tripled our sales," said Tammy Carlson, manager of the Kwik Zone store in Bethany, Mo., 23 miles south of the Iowa border on Interstate Highway 35. "We've had double the sales since then, and it's not letting up."  
  
The biggest sale so far at the Bethany store: the guy with Iowa plates on his car who drove out with 35 cartons of cigarettes.  
  
**Businesses, patrols not stopping Iowans**  
  
Nobody pushing cash register buttons in Missouri is breaking any laws. The buyer's state of residence is his or her own business.  
  
"We don't have anything to do with the Iowa law," Carlson said. "People can buy as many as they want, as far as I'm concerned.  
  
"Besides, how can they monitor it? Set up an Iowa border patrol? I doubt it."  
  
She's correct - so far.  
  
"We don't have officers at the border stopping cars," said Renee Mulvey of the Iowa Department of Revenue and Finance, the state government's tax collector. "We have no authority to do that."  
  
Maj. Darrel Cox of the Iowa State Patrol said: "We have no specific plans to seek out people specifically for this. We will, however, investigate if, during the course of a traffic stop, we notice somebody with a large amount of cigarettes."  
  
The Iowa Alcoholic Beverages Division, which would take action if an Iowa retailer were caught bootlegging out-of-state cigarettes, will not be doing any road enforcement. The attorney general's office has not come up with a strategy for dealing with the activity.  
  
"People should know there are penalties for violating the law," said Bob Brammer, a spokesman for Attorney General Tom Miller. "It will be taken seriously if it comes to the attention of law enforcement."  
  
All of this means nothing is being done to police people bringing Missouri cigarettes into Iowa.  
  
**Normally upstanding citizens take risk**  
  
Iowa's higher tobacco tax went into effect only two weeks ago, so there is no way to know yet how much revenue Iowa is losing to Missouri, Illinois, Nebraska and Wisconsin, all with a lower tax - or whether that loss of revenue is offset by collecting the higher tax from smokers who buy cigarettes in Iowa.  
  
Missourians narrowly defeated a ballot measure last November that would have raised that state's cigarette tax to 97 cents per pack. But even if it had passed, cigarettes there still would have been cheaper than in Iowa.  
  
A major difference is that in Missouri, the decision was left to a vote of the people. In Iowa, it was the decision of legislators and the governor.  
  
Iowans who make the trip south for cigarettes have plenty to say about the new tax.  
  
What they were not interested in was giving their names, or even the towns where they live.  
  
They're not exactly smuggling grenades from Damascus to Baghdad. Still, these normally upstanding citizens know they are breaking the law by driving to Missouri to load up on their favorite smokes.  
  
But they don't care.  
  
"Give you my name?" one Iowa woman said after buying a half-dozen cartons of Marlboros in Eagleville, Mo., eight miles south of the Iowa line. "Are you kidding?"  
  
Her plates said Dallas County. She looked to be in her 30s. She had a late-model SUV. Well dressed. Articulate.  
  
She didn't look much like a criminal. But she's a scofflaw, and that's fine - as long as I didn't write down her license plate number and rat her out to Iowa's nonexistent cigarette cops.  
  
No chance of that, I promised, so she talked.  
  
"The governor and the Legislature can do anything they want, I guess," she said. "I'll do what I want to do, and coming down here saves me a lot of money."  
  
**Smokers say they don't mind the drive**  
  
Another Iowa car pulled in, this one from Polk County. A 40-ish woman got out, went into the Eagleville Fireworks store and came out with four cartons of cigarettes.  
  
"I just spent $85 on these," she said. "At home it would cost me $160. So I just saved 75 bucks. Of course I'm going to do it. We were going to the casino in Osceola, anyway. It's what, a half hour or so farther? I'll do it again."  
  
One fellow in a car with Story County plates said he made the two-hour trip to Eagleville solely to buy cigarettes.  
  
"It's no big deal to me driving down here," he said. "I hope it makes all the Iowa politicians happy. I mean, people go into bars in Iowa and get drunked up and drive and run into somebody. Why don't they raise the liquor tax? Why don't they tax the fancy golf courses and make the big shots pay more for that? No, they go after the little guy like me."  
  
The Finish Line store in South Lineville, Mo., sells Marlboros for $3 a pack and is having trouble keeping them in stock - probably because the Casey's store in Humeston, Ia., 20 miles to the north, charges $5.10.  
  
The Crossroads store in Princeton, Mo., a small, low-volume place that sells liquor, guns, cigarettes and souvenirs, has Marlboros for $29.86 a carton.  
  
A woman in the store said her daughter watched an Iowan pay $5,800 for cigarettes. That's nearly 200 cartons.  
  
"I can't believe somebody in Iowa won't start bootlegging," said Bill Heck, owner of Crossroads. "It's bound to happen."  
  
**Buyers face stiff fines ... if they get caught**  
  
These people are taking a risk, but only if Iowa authorities are willing to spend the time and money to try to catch them. Bring between two packs and two cartons into Iowa and the fine is $200. It's a $500 fine for bringing between two and 10 cartons into Iowa. More than 10 cartons and the fine is $25 a pack.  
  
So that Iowan who brought in 35 cartons from the store in Bethany saved about $600. If caught after taking them across the border into Iowa, he would face a civil penalty of $8,750.  
  
It hasn't happened yet.  
  
"I'm sure our law enforcement guys have better things to do than hang around the border searching people for cigarettes," said Sen. Jeff Angelo, a Creston Republican who opposed Iowa's tax increase. "I'm expecting it will be same boffo law enforcement job Iowa is doing on the law against bringing in fireworks from out of state."  
  
Angelo said he is hearing southern Iowa cigarette sales are down dramatically, and he doubts it's because people are quitting the habit.  
  
"What's happening is people get together at work and pool their money, and somebody makes the run to Missouri," Angelo said. "This isn't any surprise. Anybody with any sense knew this would happen - and it's going to keep happening."  
  
**Some expect trend to fade away**  
  
Sen. Herman Quirmbach, an Ames Democrat and supporter of the tax increase, said some cross-border buying was anticipated. He does not think it will continue to any large extent.  
  
"Given the price of gas and the cost of operating a vehicle, it's not really a cost-effective activity," said Quirmbach. "Then there's the risk of getting caught. I don't really think it will go on for the long term.  
  
"And if a business that depends on cigarette sales gets hurt, then that business was at cross purposes with the public health of Iowa to begin with," he added.  
  
Bill Walljasper, senior vice president of Casey's General Stores, expects the Ankeny company's southern Iowa stores to take a hit for a long time. He said Casey's benefited in northern Iowa when Minnesota's tax increased a few years ago.  
  
"The same thing is happening in reverse in southern Iowa, and we think it will stay that way," he said.  
  
The Iowans coming across the border last week will tell you Walljasper is right.  
  
"I'd be out of my mind to buy cigarettes in Iowa," said a woman from Polk County. "Say what you want about smoking, I'm not quitting. I'll just be taking my money to Missouri from now on."

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070401/OPINION01/704010335/-1/BUSINESS04>

grapes  
  
  
  
  
**13.** **GT not alone; 8 bars have after-hours charges**

Tom Alex  
*Des Moines Register*  
April 5, 2007  
  
Des Moines police have eight pending cases against taverns for allegedly violating state law as it regards after hours drinking.

If vice officers take a case involving an alleged violation at the GT Lounge, 3013 Ingersoll Ave., to the department's legal staff and they approve it, that would bring the total to nine.

Police said Wednesday that an officer was looking into the lounge from outside about 3:30 a.m., when he spotted a bartender taking a sip of beer. Police said the bartender attempted to hide the beer in a beer carton when he saw the officer.

Officials said in a report that the bartender later admitted that he drinks in the bar after hours regularly.

Since last November two taverns have settled after hours consumption violations, agreeing to pay a penalty of $500 and close for seven days. They are the El Aragon, 900 E. Army Post Road, which already has served its seven-day suspension and the Southport Sports Bar, 1101 Army Post Road, which has yet to serve its suspension.

The law regarding after hours consumption of alcohol is as follows:

"A person or club holding a liquor control license or retail wine or beer permit under this chapter, and the person's or club's agents or employees shall not do any of the following:

Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2 a.m. and 6 a.m. on a weekday and between the hours of 2 a.m. on Sunday and 6 a.m. on the following Monday, however, a holder of a liquor control license or retail beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense alcoholic liquor or beer between the hours of 8 a.m. on Sunday and 2 a.m. on the following Monday."   
  
<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070405/NEWS/70405004/1001/NEWS>

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**14.** **Freshman Dorms Could Become Alcohol-Free**

Scott Post  
*Wartburg Trumpet*  
April 3, 2007  
  
Clinton and Centennial Complex may be designated as alcohol-free buildings in the near future.

There is currently no definite timetable for the possible change, Pete Armstrong, director of residential life, said, “Next year is possible.” he said. “We’ve been trying to gauge student reaction.”

Armstrong added, “The vast majority of students living there are underage, so they should be alcohol-free buildings anyway.” Currently, there are several floors of Clinton and the Complex designated as substance-free floors.

In addition, Ernst Manor is substance-free and would remain so if the proposed policy went into effect. The Student Relations Committee of Student Senate has reviewed the proposal and offered other solutions, such as making only one of the two buildings alcohol-free.

The residential life department generated the plan in an attempt to combat a common problem: Underage drinkers claiming that the alcohol in question belongs to another student, or that they had just arrived and had not been drinking. Armstrong said alcohol issues will be more black and white under the proposed policy.  
  
<http://public.wartburg.edu/trumpet/2007/04-03/alcoholfree.html>

grapes  
  
  
  
  
**15.** **ISU Student's Body Found in Lake**

Lisa Rossi  
*Des Moines Register*  
April 4, 2007

The body of a missing Iowa State University student was discovered Tuesday in Lake LaVerne on the campus, officials said.

Abel Bolanos, 19, was last seen Saturday between 4a.m. and 4:30 a.m.

The discovery caps more than two days of exhaustive searching by area law enforcement agencies, which included the help of 200 volunteers.

His body was found submerged in the southeast corner of the lake at 3:39p.m. Tuesday.

Cmdr. Gene Deisinger, with the ISU Police Department, said there are no “obvious signs of foul play,” but the death has not yet been determined and the case remains under investigation.

In a statement read by Deisinger, the Bolanos family said they were “grief-stricken by the result,” but thanked the Ames community and ISU Police Department for their help in the search.

Bolanos was drinking at an off-campus party before he disappeared and police have said alcohol may be a factor in his disappearance.

Friends who lived on his dormitory floor in Wallace Hall said they didn’t want Bolanos, a sophomore from Rolling Meadows, Ill., to be remembered as an out-of-control drinker.

“It had nothing to do with the alcohol,” said Jordan Florke, 20, and an ISU sophomore from Council Bluffs. “The alcohol thing just kills me. All college kids, at some time, drink.”

“We want him to be remembered as a funny guy, who everyone cared about,” she added.



A water recovery team exits Lake LaVerne on the Iowa State campus in Ames Tuesday evening with the body of missing ISU student Abel M. Bolanos.

His friends said after Bolanos partied, he would head toward his dorm, which is in the opposite direction of Campustown and the lake, they said.

Deisinger said he was also surprised about the discovery of Bolanos in Lake LaVerne, which is located on campus, northeast of where the party occurred.

Evidence shows Bolanos was not walking toward the lake after the party.

A man located Bolanos’ credit card and debit card in Campustown on Hayward Avenue, Deisinger said.

Police also said Bolanos’ access card was used on a doorway at the Wilson side of the Wallace-Wilson complex, which students do not have access to, another confusing detail to his friends.

“How he got to the Lake LaVerne area is one of the several things under investigation,” Deisinger said.

The disappearance of Bolanos, combined with the discovery of his body, has already sparked debate about whether police should pursue charges against those who provided alcohol to Bolanos, who is 19.

Police have not yet said whether they plan to do that.

“Everybody should be responsible for themselves,” said David Hefner, a 22-year-old ISU senior from Grimes, who was among the onlookers at the student union. “I don’t think someone should face the consequences for someone else’s actions,” he said.

Police have said Bolanos was drinking at a party before he disappeared. Students said they didn’t want the discovery of his body to spark a discussion.

“Obviously there’s going to be drinking; there’s going to be parties,” said Alex Olson, 20, a junior from Ames. “It’s a college town, although it’s  
 a horrible thing to happen. ”Bolanos’ disappearance is not the first record of him being tied to alcohol consumption.

In September 2006, an Ames police officer found him passed out at 8 a.m., lying in the sidewalk at the intersection of Hayward Avenue and Hunt Street in Campustown. According to a criminal complaint, his breath smelled of alcohol, and his eyes were watery and bloodshot.

He could not complete any field sobriety tests. He refused a breath test, but pleaded guilty Sept. 5, the day after he was arrested, to charges of public intoxication.

ISU President Gregory Geoffroy said that even though police do not suspect foul play in Bolanos’ disappearance, students, faculty and staff should be aware of their surroundings late at night.

Police would not say whether they would pursue charges against the hosts of the party at 208 S. Hyland Ave., where Bolanos was drinking.

A resident who answered the door Tuesday at the apartment unit where the party was held declined to comment.

Police in Ames have charged people with supplying alcohol to minors, especially when the results are tragic.

In January, authorities charged one current and three former ISU students who allegedly provided alcohol to Shanda Munn, who was an underage student when she drank at a party before she left, and hit and killed a pedestrian with her vehicle.

Munn has been sentenced to up to 10 years in prison for vehicular homicide in the death of Kelly Laughery, 20, of Orient.

Friends said Bolanos was quiet, but quirky.

His friend Autumn Brown, 20, a sophomore from Carlisle, said he liked to play guitar in his dorm room and listen to loud music.

Bolanos was a recipient of the George Washington Carver Scholarship, an award that pays for four years of tuition at Iowa State.

The award is given to minority students who have achieved academic success, said ISU’s Multicultural Student Affairs office staff.

grapesAn autopsy of Bolanos’ body is scheduled for today.  
  
<http://dmregister.com/apps/pbcs.dll/article?AID=/20070404/NEWS/704040377/1001>  
  
  
  
  
  
  
  
**16.** **Yard Signs Promote Alcohol-Free Graduation Parties**

Claire Kellett  
*KCRG News*March 30, 2007  
The Linn County underage drinking coalition wants to set a new trend this graduation season. So don't be surprised to see its plan of action in a yard near you.

The group is spreading its message through yard signs. They look just like the political signs, but instead of the candidate names they say "I support alcohol-free graduation parties."

The group wants high school seniors and their parents throwing graduation parties to stuff the coolers with soda, water, lemonade -- anything but beer, wine, or any other alcohol.

That way everyone, even if they're 21, would not be able to have a drink. This sends the message that it's not okay for underage kids to drink -- that it is illegal.

Local high school groups, like Linn-Mar, Mount Vernon, and Xavier, are passing out the signs. So far, students have handed out about 600 signs. But there's still 400 waiting for a home. The group thinks the signs will go quickly because many families are already leaving out the booze.

"I think people would be surprised as to how many parties don't have alcohol, that's the goal ... to show the community or those who are throwing the parties with alcohol that it isn't the norm, it's not acceptable," said Beth Goldberg, ASAC Prevention Specialist.

The signs will be on display from the beginning of May until about the middle of June, the heart of graduation season. Even if you're not having a party, the group says go ahead and put up a sign.

If you'd like a sign for your yard, call 319-390-1884.  
  
<http://www.kcrg.com/news/local/6799967.html>

grapes

**17. Bar could be 9th Charged in '07**

Tom Alex  
*Des Moines Register*April 6, 2007

If Des Moines police file after-hours drinking charges against GT Lounge, the popular Ingersoll Avenue bar will be the ninth drinking establishment to face the charge this year.

Police said Wednesday that an officer was looking into the lounge at 3013 Ingersoll Ave. from outside about 3:30 a.m., when he spotted a bartender taking a sip of beer. Police said the bartender attempted to hide the beer in a beer carton when he saw the officer.

The officer's report will be sent to the police vice office for follow-up investigation of an apparent liquor law violation. Officers said earlier this year they would be watching bars for closing-time infractions.

Since last November two taverns have settled after-hours consumption violations, agreeing to pay a penalty of $500 and close for seven days.

They are El Aragon, 900 E. Army Post Road, which already has served its seven-day suspension, and the Southport Sports Bar, 1101 Army Post Road, which has yet to serve its suspension.

A news report of the incident prompted several comments from readers who disapproved of police attempts to enforce after-hours drinking laws.

Ron Lewis, owner of Cash & Carry, 204 Fourth St., said the citation was warranted.

"The rules are the rules," said Lewis, whose convenience store also sells alcohol. "It's just not worth it ... for a few bucks."

Lewis said he typically stops selling alcohol about five minutes before the 2 a.m. deadline.

Bartenders at several downtown locations expressed dismay with the citation, but none would comment on the record Thursday night for fear of retribution from the police.

The law regarding after-hours consumption of alcohol reads: "A person or club holding a liquor control license or retail wine or beer permit under this chapter, and the person's or club's agents or employees shall not do any of the following:

"Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2 a.m. and 6 a.m. on a weekday and between the hours of 2 a.m. on Sunday and 6 a.m. on the following Monday. ..."

Police said in a report that the GT bartender admitted that he drinks in the bar after hours regularly.

The owner of the lounge did not return phone calls from a reporter about the incident.  
  
<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704060390>

grapes  
  
  
  
  
**18.** **Ban smoking at all Schools**

*Des Moines Register*April 5, 2007

It’s surprising that smoking on public-school grounds is allowed anywhere in the state. Schools are supposed to teach good health habits. Yet a Register story Wednesday reported that only roughly 70 percent ban smoking, which means 30 percent don’t.

A bill was introduced in the Iowa House to prohibit tobacco on public-school property, but it appears to be dead this year. That’s too bad.

Everyone now knows the dangers of lighting up or using other tobacco products and how hard it is to quit.

The recent increase in Iowa’s cigarette tax will discourage some teens from starting, but schools should reinforce that at every opportunity.

If school employees, students or visitors are caught violating the proposed ban, they would face no fine. They would probably just be asked to go across the street.

grapesStill, a state law would ensure all schools send the message that tobacco use is a bad idea.  
  
<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704050366>

**III.** **OTHER STATE NEWS.**

**19. Bill Could Allow More Beers in State (Alabama)**

James Jaillet *Crimson White*  
April 2, 2007

People choose drinks because of their personal preferences when it comes to alcohol - whether it be beer, fine wine or liquor. But in Alabama, choices of beers are more limited.

Alabama is one of four states that do not allow gourmet and specialty beers to be sold. But this law could soon change.

The state House of Representatives will vote Tuesday on a bill that would increase the allowable alcoholic content of beer sold in the state from six percent to 14.9 percent. The state Senate is working on a similar bill in its tourism committee. According to Rep. Thomas Jackson, D-Thomasville, the new law would keep some buyers from going out of state to buy the gourmet beer.

"This will give people who like to drink a classic type of gourmet beer the chance to buy and consume it legally in this state," he said. "It would enhance the state because of tourism issues by providing visitors a beverage they would enjoy without them having to travel to Tennessee or Georgia to buy it."

Per beer, gourmet beers cost more than most beers, averaging between $7 and $8 with some costing more than $10. According to supporters of the bill, the price will keep minors from buying and consuming the beverages.

Sen. Parker Griffith, D-Huntsville, said the bill has faced little opposition in the Senate.

"This is not your average beer. This is a gourmet beer," Griffith said. "People who are beer enthusiasts enjoy this type of beer just like some people who enjoy a fine wine. This is designed for people who grew up around beer or who know a lot about beer. The people of Alabama ought to have a choice."

The Rev. Dan Ireland, executive director of Alabama Citizens Action Program, voiced opposition to the bill and said it is proposed to "satisfy those in the sinning business."

"This bill is purely profit-motivated. Alcohol is the biggest killer of teens, and beer is their beverage of choice," Ireland said. "The city [of Tuscaloosa] and University have been having problems with the Strip in the Tuscaloosa area, and this would just be adding problems the school is already faced with."

Jake French, managing partner of Mellow Mushroom downtown, said he thinks these beers would help business and keep frequent bar visitors in the state.

"I think it would help out a lot of things from the business aspect, and plus it would give customers a lot more to choose from," French said. "I can think of two or three beers off the top of my head that we can't sell, and I think that the more choices we can offer customers the better.

"I still think people who come in will spend the same amount even though they consume less - the alcohol is priced fairly. I'd just like to see the people who come here to drink have a wider range of decisions when it comes to what they want to drink."

Matt Courson, a UA student and paid member of Free the Hops, which is an organization in support of beer law reform, said the law change will update the brewing practices in the state.

"We really need to get the state up to speed," he said. "These laws are good for the state. There is a certain aspect of tourism that microbrewed beers help out with. It will bring more money to the state and more money to the people who are into brewing gourmet-style beers."

Colin Rafferty, a graduate student in English, said as a personal beer enthusiast, he thinks changing the laws will enhance the quality of life in Alabama.

"I'm pretty excited to see a chance for the antiquated laws to change," he said. "You can take a simple beverage and change it into something more exciting and more interesting. It's not about getting drunk. It's about a good beverage for your own enjoyment, whether you drink wine, beer or some other type of alcohol."

Evan Waters, a freshman majoring in international relations, said he does not think the new laws would change much and the gourmet beers would be a fad.

"I think it would be something a lot like liquor. It would just be something else to buy," Waters said. "You'll just have the choice to buy that or liquor or a cheaper beer. People will still spend the same amount of money on it, no matter what they're drinking."

Chelsea Dabney, a freshman majoring in pre-business, said she thinks the gourmet beer would become a norm after the novelty wore off.

# grapes"Some people would get really excited at first and buy it and drink it, but then it would wear out," she said. "It would just be what's popular right now." <http://www.cw.ua.edu/vnews/display.v/ART/2007/04/02/461095470a96d> 20. House Defeats Bolder Beer Bill (Alabama)

# *Associated Press* April 3, 2007

# The Alabama House said "no" Tuesday to a bill that would have increased the alcohol content allowed in beer sold in Alabama.

# Rep. Thomas Jackson, D-Thomasville, sponsored the bill, which he said would have allowed the sale of some imported and gourmet beers that have a higher alcohol content than the 6 percent now allowed. Jackson's bill would have increased the allowable alcohol content to 14.9 percent.

# The bill failed on a 49-39 vote, short of the two-thirds vote required to bring the measure up for a vote.

# grapesJackson said allowing the sale of gourmet and imported beers would help tourism and stop people from driving to neighboring states to buy the products. But some legislators argued it would make it easier for young people to get drunk and would increase the problem of driving of while under the influence of alcohol. <http://www.montgomeryadvertiser.com/apps/pbcs.dll/article?AID=/20070404/NEWS02/704040370/1009> 21. Ignition Interlock License for Alcohol Offenders Passes House (Alaska) *Site News* April 2, 2007 "The bill is about making our roads safer for our children and other drivers. With the ignition interlock, if the offender can't blow, they can't go." Rep. Kevin Meyer Co-Chair House Finance Committee

# The Alaska House of Representatives on Friday unanimously passed legislation to toughen state driving laws for alcohol-related offenders, changing the type of limited driver's license they can apply for from strictly limited to an ignition interlock limited license.

# Currently, a person convicted of driving under the influence has been able to get a limited driver's license from the Division of Motor Vehicles so that they can continue to drive and to earn a living. The limitation currently placed on a license focuses primarily on where a person can drive. House Bill 19 shifts the emphasis from where a person can drive to how a person can drive by changing the type of limited license available to an offender from the traditional limited license to an ignition interlock limited license.

# The bill, HB 19, sponsored by Rep. Kevin Meyer (R-Anchorage), requires the offender to install and maintain an ignition interlock device on the vehicle they intend to drive. The device analyzes the person's blood alcohol content (BAC) and prevents the car from being started if the person's BAC is above a set level.

# "HB 19 changes the focus from where an offender can drive, to how an offender can drive," Meyer said. "By placing an ignition interlock device in an offender's car, we are keeping them from not only driving drunk, but driving any other car while drunk, since if they drive in another car under the terms of this bill, it is the same as driving with a revoked license, since they wouldn't be subject to the in-car breathalyzer.

# "The bill is about making our roads safer for our children and other drivers. With the ignition interlock, if the offender can't blow, they can't go."

# Additionally, HB 19 raises the penalty for tampering or trying to circumvent the device while on probation or in possession of the limited license to a Class "A" misdemeanor, and makes renting or loaning a vehicle to an offender a Class "B" misdemeanor.

# "The Department of Public Safety supports the bill, and sees the value in adding ignition interlocks to the repertoire of monitoring alcohol offenders," Meyer said. "Studies have shown that implementing the devices in one Canadian province have cut repeat DWI rates 80 percent in the last twelve months for first time offenders and by 74 percent during the first 24 months for repeat offenders. Repeat offenders are the ones we are really hoping to tamp down with this bill, since the instance of becoming involved in a fatal crash is far greater for repeat offenders than first time offenders."

# HB 19 also provides DUI offenders with the ability to drive more than just from home to work and back, as current state law allows, since as long as the device is installed and maintained, they can drive anywhere. The bill further stipulates that unlike current state law, an offender with an ignition interlock does not have to be employed at the time of application.

# grapesHB 19 has been referred to the Senate for its consideration. <http://www.sitnews.us/0407news/040207/040207_limited_drivers.html> 22. Local Politicians Support Bill Prohibiting Alcohol in Vehicles (Connecticut)

Jackie Majerus

*Bristol Press*

March 30, 2007

Area lawmakers say it's time for the state to pass a bill that would prohibit open containers of alcohol in vehicles.

State Rep. Frank Nicastro, a Bristol Democrat who serves on the transportation committee, supports the proposed law, which he said is moving through committees.

"There should be no open containers in a vehicle," Nicastro said. "We've got to crack down."

The law, if passed, would make it illegal to have an open container of alcohol - cans of beer, bottles of wine or liquor - in a vehicle, said Nicastro.

"We've made gains," Nicastro said. "We haven't made enough. It's obvious something needs to be done."

State Rep. Ron Burns, a Bristol Republican, also said he supports the measure.

"I have no reason to believe why anyone would need to have an open container of alcohol in a vehicle," said Burns.

Burns said the current law, which permits passengers to drink alcohol, makes it too easy for a driver to hand off a bottle or can to a passenger.

But state Rep. Zeke Zalaski, a Southington Democrat, had some reservations about the bill. He said he'll look at it carefully, but will probably support it in the end.

"If it gets on the floor, I would vote to make it illegal," said Zalaski.

But he said, "I'm not sure if it's a great bill."

Zalaski said he doesn't see anything wrong with having a drink in a parked car. Some people, Zalaski said, like to have a beer with their lunch.

"I don't think anybody should be drinking in a car while it's moving," Zalaski added.

Burns said he'd like to know more about how the law would be enforced. He said he isn't sure the law ought to apply to hired vehicles driven by professionals who aren't drinking, such as tour buses and limousines.

People sometimes hire a limo to take them to a show or a game, said Burns, and enjoy alcohol en route while a professional handles the driving.

"It actually does keep people off the road," said Burns.

State Sen. Tom Colapietro said he helped pass a law in recent years that allows people to bring a partially consumed bottle of wine home from a restaurant, providing it is corked and put in a stapled bag.

The idea behind that, said Colapietro, was to take the pressure off diners who might not want to leave a bottle of wine unfinished. The law allows them to bring the rest home with them, Colapietro said, rather than polishing it off before getting in the car to drive home.

Colapietro said he backs this year's plan to prohibit open containers of alcohol in vehicles.

"There's no reason for it to be open in the car," said Colapietro. "I don't care who's drinking it."

Colapietro said he and other lawmakers were surprised to learn that it is legal to have an open container in the car now.

Nicastro said he believes the bill will pass.

grapes<http://www.bristolpress.com/site/news.cfm?newsid=18152699&BRD=1643&PAG=461&dept_id=571108&rfi=6>  
  
**23.** **IU Reviews law Professor's Work (Indiana)**

Lesley Stedman Weidenbener  
*Louisville Courier-Journal*  
April 4, 2007

Indiana University has opened an internal investigation to determine if one of its law professors improperly used state resources or time for lawsuits aimed at allowing winery shipments across the country.

Professor Alex Tanford, who teaches at IU's Bloomington campus, said he has worked within university rules and said his outside litigation work for small wineries and people seeking to buy wines from them has enhanced his teaching.

But critics -- including some legislative leaders -- are concerned that his focus on the lawsuits may have come at the expense of his job, and they say it's not fair that his suit against the state could result in Indiana taxpayers paying his legal fees.

"I think it's totally inappropriate for a state employee to be pursuing things on behalf of an outside client and trying to get paid on the state taxpayers' nickel to do it," said Senate President Pro Tem David Long, R-Fort Wayne.

According to federal court records, Tanford has logged more than 2,200 hours on winery suits on behalf of various clients against seven states -- including Kentucky -- since 1998. Much of that came on days when IU classes were in session, the records show.

The cases include the precedent-setting Granholm v. Heald in Michigan, in which the U.S. Supreme Court ruled that states can't allow in-state wineries to ship to their in-state customers without allowing out-of-state wineries to do the same.

Tanford has not detailed the time he has spent on lawsuits in Indiana and a handful of other states that remain active. In all, Tanford estimates he has spent more than 3,000 hours on winery-related lawsuits in the past nine years.

Long, who was active in legislative efforts to change Indiana's winery law to comply with the Supreme Court decision, told IU School of Law Dean Lauren Robel last year he was concerned about Tanford's actions and had questions about whether he was working on state time.

But a packet of information that the Wine and Spirits Wholesalers of Indiana -- one of Tanford's opponents in court -- recently provided to an IU lobbyist led Robel last week to request the internal audit.

"First, they claim that Professor Tanford used state resources to pursue this litigation," Robel wrote to the university's internal audit department. "Second, they appear to claim that Professor Tanford violated conflict-of-commitment rules at the university."

Those rules spell out the kinds and amount of non-university work in which professors can engage.

The Indiana wholesalers group opposes deregulation of alcohol sales and is fighting Tanford, a wine enthusiast who wants small wineries to have the right to ship their products to customers nationwide.

Robel referred questions about Tanford to IU spokesman Larry McIntyre, who said the audit will be conducted and could take several weeks. He would not comment on the details of the situation.

Tanford said in an interview with The Courier-Journal last week that any assertion he hasn't kept up with his responsibilities as a professor is "ridiculous." He said Robel and other school officials have been aware of his work and that his time has not exceeded that allowed by the university for outside activities.

According to the IU academic handbook, professors are allowed to spend 20 percent of their time -- essentially one day a week -- pursuing "professional, but not necessarily university, activities."

Tanford said he keeps detailed time records and can prove he has not overcommitted to outside work. He said he's provided information about his work in annual reports he makes to the university and has "done nothing in secret."

"No one ever raised a question or suggested that I'm doing anything inappropriate, wrong, illegal in violation of my contract," Tanford said.

Tanford said he uses his own computer and cell phone for outside work. He acknowledged he has sometimes had to cancel classes but said his lectures are available on the Internet and that he builds in extra class days to cover cancellations.

Critics point to a Web site on the IU server that provides details of the wine cases.

And Daniel Meyer, general counsel for the Wine & Spirits Wholesalers of Kentucky that is opposing Tanford's case in the state, said he was surprised to get correspondence in IU envelopes.

"To me, that gave the impression that the school was somehow sanctioning or sponsoring Professor Tanford's outside activities," Meyer said.

Tanford said he reimburses IU for such expenses. "None of what I have done has cost the taxpayers of Indiana one cent," he said.

According to IU's Conflicts of Commitment rules, employees "shall not use the university's name or trademark in such a manner to suggest institutional endorsement or support of an outside activity." The rules also say IU business cards and stationary can't be similarly used.

Jim Purucker, executive director of the Indiana wine wholesalers, said he has asked state lawmakers to create a litigation fund in the budget and to set aside $1 million in anticipation of future legal fees, with the money coming from IU's budget allocation.

"That would protect the taxpayers from being billed twice in the event that the plaintiffs are successful in this lawsuit," Purucker said. "It's the unique nature of (the suit) that the professor is on the state payroll as a college professor and then also if he wins he gets to bill the state for his fees."

To support that request, the wholesalers put together a detailed account of Tanford's time on the winery litigation based on court records in the seven completed cases.

Tanford listed the dates and times of his work in filings to collect fees for cases that he won wholly or partially.

The records show Tanford asked the federal courts to award him more than $800,000 in reimbursement for expenses and fees -- which generally range from $300 to $425 per hour -- in the seven cases.

Tanford, however, said he settled for significantly lower amounts in several states, while fees are pending in others.

It's not clear how much Indiana might owe Tanford if the state loses. But Tanford said it's not his goal "to go out and bankrupt states."

Legislative leaders said they are concerned about the state's liability. But Senate Appropriations Chairman Bob Meeks, R-LaGrange, said he has no plans to create the litigation fund suggested by the wholesalers or withhold money from IU.

Still, Meeks said, he is "kind of disappointed they've let that go on."

Robel, in a letter sent to Long last year, said Tanford's use of school resources was "minimal and incidental" and that no students have participated in Tanford's cases.

However, Tanford said last week that while he has not assigned course work pertaining to the cases, some students have volunteered to help and he has paid others for work outside of class.

"I teach modern litigation," Tanford said. "So I have to be doing some litigation just to be able to teach the students what's going on in federal court procedure right now."  
  
<http://www.indystar.com/apps/pbcs.dll/article?AID=/20070404/LOCAL/704040517/-1/RSS>

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**24. Blood-Alcohol Test Goes on Trial in N.J. (New Jersey)**

*Associated Press*April 6, 2007

A breath test used in thousands of drunken driving cases in New Jersey went on trial yesterday, when the State Supreme Court considered whether the instrument provides reliable blood-alcohol level readings.

The outcome will affect at least 10,000 drunken driving cases that have been hung up - some for more than a year - over questions about the reliability of the machine, the Alcotest 7110.

The Alcotest is the next-generation successor to the Breathalyzer machine and is used in 17 of the state's 21 counties. The four others still use the Breathalyzer.

Alabama, New York and Massachusetts also use the Alcotest, manufactured by Draeger Safety Diagnostics. However, this is the first appellate-level test of the machine in any state, said Peter H. Lederman, who testified as a friend of the court on behalf of the Criminal Defense Lawyers of New Jersey.

"This [case] will have an impact throughout the country because Draeger will try to sell this machine, saying that New Jersey thoroughly vetted it and found it reliable," Lederman said.

The Supreme Court is considering whether the machine is scientifically reliable for establishing blood-alcohol levels in prosecutions. Defense lawyers contend that the machine can produce erroneous readings, but the state says it is accurate.

There was no indication when the court would rule on the matter.

The legal threshold for intoxication in New Jersey is a blood-alcohol level of 0.08 percent.

The state has spent millions to upgrade to the Alcotest, and the machine figures in about 80 percent of the 30,000 to 35,000 DWI cases prosecuted in New Jersey each year.

Questions over the validity of the Alcotest are as old as the machine itself. After a 13-month trial period for the then-new Alcotest in Camden County in 2001-2002, a Superior Court judge upheld the machine's use after some defendants challenged its results.

Other states use machines that are similar to the Alcotest to measure blood-alcohol levels, but the basic technology is applied differently, making the devices more reliable, said Lederman.

Marcia Cunningham, director of the National Traffic Law Center, which provides training to prosecutors in traffic-related matters, said the science behind the Alcotest was solid.

"The role of the defense is to raise clouds," she said. "If you have science involved, it's relatively easy to make things look murky. Anyone familiar with the science used in breath tests is very confident in the results."

In February, a special master appointed by the Supreme Court concluded that the machine was generally reliable but not perfect, and that it should be used only with some adjustments and discretion.

The master, retired Judge Michael Patrick King, suggested that judges be able to consider other evidence in cases where the Alcotest readings are close to the threshold, such as the way a defendant walked and talked at the time the test was administered.

King also said that until the Alcotest machines are outfitted with breath temperature sensors, all the readings should be reduced. Higher breath temperatures give higher blood-alcohol readings, King wrote in his report.

Boris Moczula, who argued the case for the state, said it would cost $1,300 more for a machine with a sensor, $1,600 per to retrofit existing machines.

The reliability of the new machines is a big deal in New Jersey because judges, not juries, hear all drunken-driving cases. And they are given practically no leeway. Drivers determined to have a blood-alcohol level above 0.08 percent are guilty.  
  
<http://www.nj.com/newsflash/jersey/index.ssf?/base/news-25/1175746853228820.xml&storylist=jersey>

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**25.** **Lynch Nominating Marketing Executive to Liquor Commission (New Hampshire)**

*Boston.com*April 4, 2007

Gov. John Lynch planned to nominate Manchester marketing executive and Democratic activist Mark Bodi to the state Liquor Commission on Wednesday.

Bodi is president of Griffin, Bodi & Krause, the state's largest advertising and marketing firm. He oversees all marketing for the state Liquor Commission. Bodi has said he will sever his ties with the firm if his nomination is confirmed by the Executive Council.

Lynch said Bodi has an exceptional background in business, marketing and promotion, and would be an asset to the commission.

Bodi would succeed Commissioner John Byrne who is stepping down April 15, two months before his term expires. He's been on the commission for 12 years.  
  
<http://www.boston.com/news/local/new_hampshire/articles/2007/04/04/lynch_nominating_marketing_executive_to_liquor_commission/>

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**26.** **Governor Signs Bills to Fight DWI (New Mexico)**

## Associated Press April 2, 2007

## Gov. Bill Richardson on Sunday signed a handful of bills aimed at curbing drunken driving in the state, including measures that will require convicted drunken drivers who move to New Mexico to install an ignition interlock in their vehicles.

## The legislation applies to out-of state residents applying for a New Mexico drivers license. An interlock would be required for those who were convicted of driving while intoxicated in other states on or after June 17, 2005. The device was the top recommendation of a DWI task force formed last November in response to a wrong way crash that killed six people, including five members of a Northern New Mexico family.

## “Fighting DWI is my top priority and these new laws will make life tougher for drivers with out-of-state DWI convictions and tighten rules to ease DWI prosecutions,” Richardson said in a news release.

## In 2005, the state was the first to require interlocks for all New Mexicans convicted of drunken driving — one year for a first offense, two years for a second offense, three years for a third offense and lifetime use for those convicted four or more times.

## The devices are designed to prevent a driver from operating a vehicle if the individual has been drinking. A driver must blow into the device before starting a vehicle and then randomly after that.

## Richardson also signed a bill that will help district attorneys in prosecuting drunken drivers. The bill allows judges or hearing officers to admit blood or breath-alcohol tests into evidence of drunken driving if administered within three hours.

## Another bill will invest in a pilot program to study the use of spikes to prevent wrong-way access on highway ramps. The state Department of Transportation currently is using solar power reflectors to warn drivers entering the off ramp.

## The governor pledged to invest more money in local DWI efforts by approving a measure that will change the distribution of the state’s liquor excise tax. He also signed off on legislation to assure that government employees keep personal information contained in drivers’ licenses, permits, and vehicle titling, registration or identification private. <http://www.santafenewmexican.com/news/59562.html>

## grapes 27. Mixing Legal and Liquor (New York)

## Chris Schot New York Observer April 9, 2007

## Join Noreen Healey, the only commissioner from the city on the State Liquor Authority, for a crawl through Manhattan’s nightlife scene. She’ll have an Amstel Light.

## Location: Certain neighborhood factions have been clamoring for a New York City representative on the State Liquor Authority for years. What impact does your residency have on your job?

## Healey: What you get with me is, I know the lay of the land down here. I’ve worked all over—Brooklyn, Queens, Nassau. I’ve worked in the courts, the D.A.’s office [in Brooklyn, Queens and Nassau County]. I’ve lived here a long time. So I have firsthand knowledge of the neighborhoods.

## Do you have any firsthand knowledge of the alcohol industry? Say, maybe in your 20’s, you worked as a waitress or bartender?

## I worked at parties. My friend had a catering business, and sometimes I would do that. And I frequented bars.

## Any particular bars where you like to hang out?

## Now? No.

## Given your prosecutorial background, you’ve probably been exposed to some of the industry’s seedier elements—criminal activities, negligence suits, that sort of thing.

## I do remember one appellate brief out of Queens. Something must’ve happened inside the bar, and then there was a shooting later on, around 4 or 5, when it was closed.

## Did that experience in any way shape your outlook on the industry?

## No. Definitely not.

## What is your overall view of the industry?

## I think that the vast majority of licensees are good, hard-working people who run legitimate businesses. Sometimes people make mistakes; they violate the A.B.C. law and they pay a penalty. But within all the licensees, there is a group of people—like with reporters and all other businesses—where there are bad apples. Those are the ones you hear about in the papers.

## After a few high-profile crimes, nightlife security is now a hot topic. Legislators have made lots of proposals: new bouncer regulations, mandating security cameras in clubs, requiring high-tech ID scanners. From a regulatory standpoint, what’s actually feasible, and what’s too much to expect from operators?

## I don’t wanna offer my personal opinion on that. Whatever the Legislature enacts, we’ll enforce.

## Shortly after your appointment last summer, the S.L.A. announced a temporary moratorium blocking new liquor licenses in Manhattan. During that time, you were tapped to spearhead a task force to re-examine alcohol regulation statewide. What were the results of that review period?

## What we wanted to do was take a step back and look at our licensing policies and procedure and the application, to see if there was a way we could improve it from our end. So we got all the stakeholders together—nightlife people, tavern and restaurant people, community-board people, the Mayor’s office, upstate police chiefs, politicians—and we had heated discussion and debate on things.

## What were the fruits of all this heated talk?

## The main thing would be to change the licensing application. Questions that were pertinent 10 years ago on the application are not pertinent today. Or, some questions, we need more information.

## Like what?

## The method of operation: What kind of restaurant are you gonna run? What kind of bar and what kind of food? The community boards had concerns, on the general application, that people came in and painted a picture of a white-tablecloth fancy restaurant, and, in the end, that’s not what they got in their neighborhood.

## Also, we thought we should have different licenses for clubs and bars and restaurants. We’re working now on changing the licenses, so that when it’s hanging up in a bar or a restaurant, the community knows the method of operation that it should be—that it’s not a club, that it has to serve food. Color-coding, we’re thinking, so people can know right away a blue application is a restaurant, and so forth.

## What about proliferation? Some neighborhood groups, particularly in southern Manhattan, say there are just too many noisy, rowdy bars. What do you think?

## I once went with the community board, driving around the Lower East Side for, like, four hours, from 11:30 till 3 in the morning, to see firsthand what it was like.

## Can you describe what you saw?

## I did see people urinating in the street and, you know, crowds congregating, smoking outside. I also went to the clubs, too, one night.

## The clubs in West Chelsea? What was that like?

## Well, everybody was probably half my age. You know, it was exciting for them. It was crowded. I went into several places—probably six. I wanted to see it, so I would know, so I would understand. It took me three days to recover after staying out until 4 in the morning, but ….

## If you and I were to head out now for a drink, what would you order?

## grapesUm, what time is it? I don’t usually drink during the day. I like for the sun to go down. At 8 o’clock? I’d either have a beer or a glass of wine. I think I’d have an Amstel Light. <http://www.observer.com/20070409/20070409_Chris_Shott_location_sitdown.asp> 28. Drunken Driving big Problem Among Hispanics, Statistics Show (North Carolina) Associated Press April 2, 2007 Driving while impaired is a problem confronting Hispanics in North Carolina, where car wrecks are the top killer and the number of alcohol-related wrecks are higher for Hispanics than other groups.

## "It makes the Mexicans look bad, very bad," said Eliseo Hernandez, 54, whose son was crippled in a wreck when a young Hispanic man who police said was drinking collided with Hernandez's car. "The American people say "Oh, its just another Hispanic, the same as the others.'"

## Statistics from the UNC Highway Safety Research Center show that in 2005 there were 37 alcohol-related wrecks caused by Hispanics for every 10,000 Hispanics in North Carolina. That is more than three times the number for other groups.

## Hispanic leaders say that the problem is difficult to combat because young men leave their families and church to come to the United States for work, but are alone.

## "It's difficult because you're trying to compete with the loneliness," said Tony Asion, the public-safety director for El Pueblo, a Hispanic advocacy group. "Then, as some learn, more come, and we start again."

## The university researchers say that men in their 20s and 30s make up more than half the people charged with drinking and driving.

## Many of the young men are far from home and have some money for the first time, but have little driving experience because they were too poor to have a car at home.

## On top of that, drinking is seen as a way to show manhood.

## "The magic number is 12," said Bobby Dunn, a DWI counselor who works with Spanish-speaking people convicted of DWI. "If you can drink 12 beers, you're a man."

## Reflecting that attitude, the statistics show that DWI charges for Hispanics have increased since 2000, although at a slower rate than the growth of Hispanic immigrants. Last year, Hispanics accounted for 18 percent of the state's 75,000 DWI arrests but were only 6 percent of the population.

## Asion, of El Pueblo, said that many Hispanics haven't been exposed to anti-drunken-driving campaigns that are common in the United States and it will take time for the message to be understood.

## "It's not something that you can do easily," Asion said. "If it was, then the U.S. population would have already done it." <http://www.journalnow.com/servlet/Satellite?pagename=WSJ%2FMGArticle%2FWSJ_BasicArticle&c=MGArticle&cid=1173350527757>

## grapes 29. $100,000 to Fight Youth Drinking (North Dakota)

Dale Wetzel   
*Associated Press*   
April 3, 2007

grapesThe possibility of a ballot initiative to raise money to fight underage drinking didn't stop the North Dakota House from approving $100,000 in grants to discourage drug and alcohol abuse by young people.  
  
"This is a serious problem, and it is about as serious as it has ever been," said Rep. Lee Kaldor, D-Mayville. "We need to do something about it."  
  
Representatives voted 52-40 on Monday to approve the expenditure. The idea now moves to the North Dakota Senate for its review. When the legislation was first introduced, it sought $440,000 in grants.  
  
"I can't help but think that it is money well spent," said Rep. Chuck Damschen, R-Hampden. "I think our returns for this kind of an investment are great."  
  
The money would be disbursed by an appointed panel called the Governor's Prevention and Advisory Council. Its goals are to reduce drunken driving and teenage alcohol and drug abuse.  
  
A separate group called Students Against Destructive Decisions, which has about 80 chapters statewide, is supporting a ballot measure to establish a state "responsible choices commission."  
  
The commission would have similar objectives and would be financed by an increased beer tax, which would raise an estimated $1.3 million annually. To get on the statewide ballot, supporters of the initiative campaign face an April 17 deadline for turning in petition signatures from at least 12,844 voters.  
  
"In my view, that is certainly enough to finance a commission," Rep. Ron Carlisle, R-Bismarck, said during House debate Monday. "If they want to take it up, get the signatures and put it on the ballot, that's fine."  
  
Kaldor said the state grant was worth approving despite the possibility of an initiative campaign. The SADD organization would be one group that would be eligible to get a state grant, he said.  
  
National studies have shown North Dakota rates as one of the leading states for binge drinking by young people, Kaldor said. The SADD approach, which uses young people rather than adults to discourage drinking and drug use is effective, he said.  
  
"This is about kids talking to kids," Kaldor said. "Most of the prevention efforts that we have in North Dakota ... relates to adults talking to kids."  
  
The bill is SB2276. <http://www.bismarcktribune.com/articles/2007/04/03/news/state/131328.txt>**30. UND to go Tobacco-Free (North Dakota)**

Amy Dalrymple  
*The Forum*  
April 4, 2007

The University of North Dakota will be a tobacco-free campus by Oct. 5, President Charles Kupchella announced this morning.

The policy will cover the entire campus, except for areas leased by other entities, such as the Ralph Engelstad Arena.

UND’s Student Senate, University Senate, and Staff Senate have endorsed a tobacco-free policy.

“The policy will obviously depend on voluntary compliance and respect for the wishes of the great majority of UND faculty, staff and students to make the campus tobacco-free,” Kupchella said.

A task group will develop details of the tobacco-free policy and present those by the third week of fall semester.

The campus will be invited to comment on the policy before the final version goes into effect on Oct. 5.

A North Dakota State University committee also is studying smoking policies.

The committee will recommend by the end of the academic year to either go entirely smoke-free or restrict smoking to campus parking lots.

# grapesMinot State University and Bismarck State College already ban smoking on campus. <http://www.in-forum.com/articles/index.cfm?id=161749&section=Daily%20Update> 31. Police Train for Teenage Drinking Party Raids (Pennsylvania)

Michelle Pittman

*Express-Times*

April 5, 2007   
  
Music is blaring, the booze is flowing and another underage drinking party is under way in the Lehigh Valley.

But whether a neighbor calls in a noise complaint or someone's tipped off by the number of cars parked outside, there's always the chance local police officers are about to put an end to the festivities.  
  
"The old-school way of breaking up a party is to come up to the residence with lights blazing and let the kids run. The party gets broken up, there's no paperwork. It was considered a good day's work," said Michael Adams of the Department of Community Health at Lehigh Valley Hospital. "We have a new way of doing things. It's a good model for change."

More than 30 police officers from Palmer Township, Bethlehem Township, Easton, Bangor, Bethlehem and Allentown spent Wednesday morning learning how to bust up the party without having teenagers run everywhere.

"The idea is not to have them scatter like a bunch of rabbits, giving them the opportunity to hurt themselves or each other or even innocent people," Adams said. "We're trying to minimize the risk of danger to officers and young people."

The training, held at the Charles Chrin Community Center in Palmer Township, went over some basic concepts with officers such as scoping out a house, getting everyone settled and checking for identification.

"We're usually the first on scene at the campus," Northampton Community College Chief of Security Marvin Gruber said. "These officers are learning to check for other exits, to do a walk around of the property and see what they're dealing with. You approach the door in a certain way. Once you're inside, you have to get everyone settled and sort them out -- who's drinking, who has ID, who's the homeowner."

Bill Poe, director of the Alcohol Education Bureau of the Pennsylvania Liquor Control Board, said the program was brought to the state several years ago. PLCB funded the training, provided by Bethlehem officers Van Scott and Joe Gross, through a grant to the ALERT Partnership of the Lehigh Valley, a community coalition and part of Lehigh Valley Hospital's Department of Community Health that deals with alcohol and drug abuse issues.

"We provide an operational plan using concepts of zero tolerance and education to safely and sufficiently close underage drinking parties," Poe said. "It enables officers to better manage large groups and keeps kids from attempting to drive away from parties. That can eliminate DUIs and prevent crashes. Kids might otherwise panic when officers show up and that's what makes them scatter."

Officers say the training is just one more tool in cracking down on underage drinking.

"The issue of underage drinking is huge," Diane Heckman, executive director of ALERT said. "It is only by having all aspects of the community working together that we can hope to have an impact on the problems underage drinking parties cause in our communities."

Officers -- ranging from rookies with a few weeks' experience to veterans who've been on the force for more than 20 years -- were able to put their skills to the test during a drill Wednesday afternoon in Northampton Community College residence halls in Bethlehem Township.

A dozen criminal justice majors and other student volunteers were given roles to play -- from the crying girl to the belligerent drunk, the apologetic homeowner to a teenager who is present at the party but isn't drinking.

"You never know what you're going to encounter," Adams said. "There are any number of crimes being committed."

"I've seen some crazy things," Northampton Community College security officer Chris Bergan said. "Kids jump out of windows. There are situations where no one has IDs. That's when we call the township cops -- it's a good threat. It lets the kids know we can either take care of this here and now or we can get more serious and get more people involved.

"Ultimately, the job is to get the scene settled and then sort everything out."   
  
<http://www.nj.com/news/expresstimes/pa/index.ssf?/base/news-10/1175746168153690.xml&coll=2>

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**32.** **Tennessee Federal Court Ruling Continues Trend Supporting a State’s Ability to Enforce Smart Alcohol Regulations (Tennessee)**

*WSWA*

March 30, 2007

The Wine and Spirits Wholesalers of America, Inc. (WSWA) today applauded a Tennessee federal court ruling that said the state has the constitutional right to prohibit all direct-to-consumer alcohol shipments.

“Today’s decision is one of a number of recent federal court rulings reaffirming the right of states to enforce smart alcohol regulations,” WSWA President Craig Wolf said.  “What this means is that a state can require alcohol only be sold to legal aged residents through an accountable system of safeguards.”

The state of Tennessee prohibits both in-state and out-of-state wineries from shipping alcohol directly to consumers using public carriers.  Tennessee requires that alcohol be distributed through a tiered system—from producers to wholesalers to retailers who then sell to consumers in a face-to-face transaction—to ensure effective regulatory control, compliance with state tax laws and to safeguard against underage alcohol access.  A 2005 Supreme Court decision (Granholm v. Heald) described the three-tiered system as “unquestionably legitimate.”

“The court today recognized Tennessee’s requirement of selling alcohol face-to-face as appropriate and legitimate,” Wolf said.  “This decision is the latest in a string of rulings that have correctly interpreted Granholm as having a very narrow focus and application.”

In the Tennessee case (Jelovsek v. Bresden), the plaintiffs alleged the state was discriminating against out-of-state wineries, arguing that consumers faced a greater burden in traveling to another state to purchase wine at a winery than they faced buying wine on-premise at Tennessee wineries.  To remedy that alleged discrimination, they urged the court to allow out-of-state wineries to ship wine directly to Tennessee residents, even though that privilege was not extended to in-state wineries.

The judge found those arguments “unpersuasive,” opining that the plaintiffs were “ignoring geography and mixing apples and oranges.”  Notably, the judge agreed with a Wine and Spirits Wholesalers of Tennessee filing which correctly pointed out that "states do not have a general obligation under the dormant Commerce Clause to ensure that all potential market participants, no matter how geographically remote, have the same economic opportunities as in-state producers."

The judge went on to state that “there is a significant difference . . . between permitting direct shipment of wine into or within the State and permitting wineries to sell a limited quantity of their wine on-site."

This decision is the latest in a series of federal court decisions upholding state authority to regulate alcohol.  Specifically:

•        The U.S. Fourth Circuit Court of Appeals ruled last year that states can limit the amount of alcohol a consumer can purchase out-of-state and carry back across state lines while at the same time allowing unlimited retail sales to consumers within that state.

•        A federal court in Delaware rejected a similar on-premise challenge last year.

•        A federal court in Maine rejected a similar on-premise challenge this year.

•        Late last year a federal court in Kentucky upheld evenhanded legislation which restricted how many cases could be sold directly to consumers, and which limited the size of winery that could engage in those sales.

“Not only do states have a constitutional right to regulate alcohol sales to ensure access with accountability, they also have a duty to the public to ensure alcohol sales have established checks and balances like face-to-face I.D. checks,” Wolf said.  “Today’s decision is consistent with a growing number of similar court rulings in support of strong state control of alcohol distribution, and is yet another victory for common sense.”

grapes<http://www.streetinsider.com/Press+Releases/Tennessee+Federal+Court+Ruling+Continues+Trend+Supporting+a+State's+Ability+to+Enforce+Smart+Alcohol+Regulations/1949832.html>

**33. Liquor Industry is Happy with 'Blue Laws' (Tennessee)**

Jennifer Brooks  
*Tennessean*April 2, 2007

Tennessee has some of the most restrictive liquor laws in the nation - and that's just the way the state's powerful liquor lobby likes it.

The liquor stores close on Sunday, the grocery stores can't sell wine, liquor stores can't sell beer and anybody who tries to order a bottle of Merlot over the Internet is flirting with a felony.

Consumers may chafe under these restrictions - particularly the thousands of newcomers who move in every year from places with more liberal liquor laws. But liquor wholesalers embrace the tough laws, which they helped to put on the books in the first place.

"This is the Bible Belt," said Tom Bernard, president of the Wine and Spirits Wholesalers of Tennessee. "Sure, we have tried to influence policy, but we're also aware that historically the pendulum (of alcohol policy) has moved from prohibition to permissiveness. The more liberal the atmosphere gets, the more problems we start to have, and the pendulum moves back."

So when a pair of bills that would have allowed both Sunday liquor sales and grocery wine sales came before the Senate State and Local Government Committee last month, liquor's top lobbyist was right there in the hearing room, watching as both bills died without ever coming to a vote.

Tennessee may be the buckle of the Bible Belt, but it's also home to wine lovers, harried last-minute shoppers and out-of-state transplants who say the current laws protect just about everyone's interests but the consumers'.

"I think they're insane," said Kay Bone of Waverly, who moved to Tennessee from Alabama and was amazed to find a state with even tighter restrictions on alcohol than its neighbor to the south.

**Wholesalers like laws**

Tennessee is holding firm at a time when other states - and some Tennessee cities themselves - are liberalizing their liquor laws. Many communities find that allowing liquor sales is the only way to attract big-name restaurants and other business.

Thirty-four states allow Sunday liquor sales and 33 allow wine purchases in grocery stores. More than a dozen have rescinded Sunday liquor sale bans in the past few years alone.

The Georgia legislature is debating Sunday liquor sales right now. Georgia's current liquor laws are so tough they don't even allow sales of beer on Sunday.

Steve Moore of Cookeville wants to keep Tennessee's laws intact.

"There's nothing wrong with the blue laws the way they are," Moore wrote in a letter to The Tennessean. "If folks want liquor on Sunday, let them buy it on Saturday."

Bernard, with the wholesalers group, argues that the current system is the best way to keep alcohol out of the hands of minors. If Tennessee allowed direct shipments from wineries to consumers, there would be little to keep teens from ordering alcohol over the Internet, he said. Likewise, he argues that a harried grocery store clerk is less likely than a liquor store employee to card someone trying to buy a bottle of wine.

Wholesalers wield tremendous influence over Tennessee's drinking habits. Under the state's three-tier beverage control system, every drop of alcohol is supposed to flow from the manufacturer to a wholesale distributor and finally to the retailers - ensuring the product is properly regulated and taxed every step of the way. So if the wholesalers don't carry a particular wine or liquor, consumers probably can't get it unless they travel directly to the source.

The liquor industry donated more than $1 million to state politicians over the past dec ade, according to the National Institute on Money in State Politics. Its legendary lobbyist Tom "Golden Goose" Hensley earned his nickname by lavishly wining and dining lawmakers for the past 40 years.

But former lawmaker Shea Flinn, D-Memphis, who sponsored the doomed Sunday-liquor-sales and grocery-wine-sales bills in his three-month tenure as an interim state senator, thinks the defeat had less to do with pressure from lobbyists than with pressure that lawmakers put on themselves.

"There's sort of a knee-jerk reaction. They don't want to be seen as doing anything immoral or anything that could hurt the children," Flinn said. "I don't think it's a case of the liquor lobby pulling strings. The liquor lobby is doing their job, (but) I feel confident that these laws will change, if constituents demand it."

**Merchants want change**

Many merchants would embrace some change.

"There really is no good reason why the law is the way it is," said Jarron Springer, president of the Tennessee Grocers and Convenience Store Association. "We already know from our customers that they'd appreciate the convenience of having wine available, so you can pair your wine with whatever else you're putting on the table that evening, without having to make a separate trip."

Even some liquor stores say they wouldn't mind competition from the grocery stores if it meant they could sell beer, too.

Nelson Naluz owns M&M Discount Liquor on Gallatin Pike in Nashville and would love to be able to open his doors on Sunday or expand his merchandise. A transplant from California, he finds many of Tennessee's liquor regulations peculiar.

He can't sell anything in his shop but hard liquor, wine, beverages with alcohol content higher than 6 percent, and lottery tickets. He can't sell snacks, tobacco, or most kinds of beer or wine coolers, not even corkscrews for the wine.

"It's funny, the way they do things here," he said. "I'm losing business."

**State, booze have history**

Tennessee, home to bootleggers, moonshiners and temperance crusaders alike, has always had a funny relationship with alcohol. This is a state, after all, that once banned saloons from operating within four miles of a school.

Tennessee banned alcohol sales a decade before the rest of the country went dry under Prohibition and didn't lift the ban until 1939, six years after the passage of the 21st Amendment.

The first mixed drink after Prohibition wasn't served openly in Nashville until the 1950s. Even in the 1980s, there were only 650 liquor licenses in the entire state; 25 cities allowed liquor by the drink and 33 allowed liquor stores.

Today, the ABC monitors 4,300 liquor licensees around the state; 76 cities allow liquor by the glass and 78 allow retail sales.

Blue laws have been on the books here since the founding of the state, banning not just alcohol sales but also almost any kind of commerce on Sundays.

As recently as the 1970s, local laws threatened merchants with arrest if they opened their shops doors on Sunday. You couldn't get a haircut, you couldn't go dancing and you certainly couldn't buy a bottle of booze. The Sabbath was supposed to be a day of rest - a day for church and family, for shoppers and shopkeepers alike.

These days, Sunday is one of the busiest shopping days of the week, but many Tennesseans still look on the ban on Sunday liquor sales with a certain nostalgia. Liquor stores are just about the only small businesses in the state guaranteed a day off work without worrying about the competition stealing their sales.

"My wife owns a liquor store and is not in favor of" Sunday sales, said John Rodgers, an East Tennessee resident whose wife was reluctant to be identified, for fear of angering her customers. "People have six days a week to buy liquor and wine."

**Wine lovers are unhappy**

Perhaps no group is unhappier with current state laws than wine lovers and wineries. The only legal way to get a bottle of wine in Tennessee is to seek out your local package store and hope it stocks the vintage you want.

"Our laws are so ancient and self-serving of the lobbyists," said Mary Dionne of Nashville. "It would be nice to be able to join online wine clubs and be able to have wine shipped to us from out of state, or even from in-state wineries."

Short of shopping at the neighborhood liquor store for the perfect Pinot, any other route - direct mail, asking a friend to drive a bottle to you over state lines - is a felony.

"All wineries consider the wine laws in the state of Tennessee as misguided or onerous," said Gerald Hamm, who owns Keg Springs Winery in Hampshire, Tenn. "But there doesn't seem to be any will to get rid of these laws."  
  
<http://www.tennessean.com/apps/pbcs.dll/article?AID=2007704020364>

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**34.** **Bills Aim To Crack Down On Drunken Drivers (Texas)**  
  
*KXAN – TV*Austin, TXApril 3, 2007  
  
The House Law Enforcement Committee focused on drunken driving bills at Monday afternoon's public hearing at the Texas Capitol.

Most of the people who testified were parents of children who were either injured or killed by a drunken driver.

One parent was Joyce Adejumo, who said goodbye to her son Fred Michell, also known as Mitchie, in January, 21 years after his father chose to drink before driving the then 3-year-old home.

"The car rolled over and left my child paralyzed with massive internal injuries," Adejumo said.

Mitchie spent his life fighting for the state to crack down on drunken drivers.

"I go to his grave every Sunday and talk with him, and I miss him," Adejumo said.

She said drunken driving violated her son's right of having a normal life.

"As long as God gives me breath in my body, I will fight for legislation to stop drunk drivers," Adejumo said. "You are not safe as long as I am here."

House Bill 253 would mandate security checkpoints throughout the state on roads where officers see a high volume of intoxicated drivers.

Lawmakers said sobriety checkpoints in Texas will reduce DWI fatalities by 20 percent.

Critics said the checkpoints are unconstitutional, amount to illegal search and seizures, lead to racial profiling and do not result in more arrests.

"Roadblocks will actually provide fewer DWI arrests than what they currently do with the roving patrols," said lawyer Ken Gibson.

Rep. Todd Smith, the lawmaker pushing the bill, agreed and said the checkpoints will scare people into staying sober on the roads.

"You're not going to arrest that many people with this," Smith said. "You're gonna scare them into not drinking by running television commercials in advance, warning them that you're going to do it."

If a driver is caught once, House Bill 934, sponsored by Rep. Linda Harper-Brown, R-Irving, would mandate the installation of Breathalyzer to start a vehicle's ignition.

"An automobile is a lethal weapon, and it should be handled carefully," Harper-Brown said. "And now with all the cars on the road and people driving, we need to make sure they're driving with their full capabilities."

Before someone can start their car, they must blow into Breathalyzer for seven seconds.

When it passes, drivers can be on their way. It costs about $65 a month.

"With that ignition interlock, he's safeguarding to make sure we, as a society, aren't going to be hit by a drunk driver," said Glynn Birch, president of Mothers Against Drunk Driving.

Gibson said it's the repeat offenders who need ignition interlocks, and requiring them for first-time offenders is a result of aggressive lobbying by the manufacturers.

"Ignition interlock is a multi, multi-million dollar business, and to require everybody to have them in their cars is going to increase their business by a thousand times," Gibson said.

There were 1,569 DWI fatalities in 2005 in Texas, which is one of 11 states that does not allow sobriety checkpoints.

Lawmakers said almost 70 percent of people polled support the idea.   
  
<http://www.kxan.com/Global/story.asp?S=6314835&nav=0s3d>

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**35.** **Liquor Bill May Add Clout to Cities (Washington)**

Brad Shannon

*Spokane Olympian*

March 29, 2007

A bill giving Washington cities a bigger role in state liquor-licensing decisions overcame objections in a Senate committee Thursday, moving a step closer to a vote in the full Senate.

The bill would require the Washington State Liquor Board to give "substantial weight" to objections from a city, town or county government based on chronic illegal activity. That could include open-container violations, assaults or disorderly conduct.

Olympia Mayor Mark Foutch and Seattle's city attorney testified in favor of the proposal, Engrossed House Bill 2113. Foutch and Olympia city attorney Bob Sterbank said the bill could have given Olympia more clout in its battle with Bar Code, a former Fourth Avenue club that was rocked by gunfire and had a history of serving patrons too much alcohol.

The Olympia night spot was shut down in June 2006, more than two years after shootings that left one man dead and another with chronic health problems. But that was only after the city and bar owner forged an agreement tied to reducing its 9-1-1 calls and drunken-driving arrests tied to its serving of alcohol.

"If this bill were law last year, I think the process of closing the Bar Code in Olympia would have been expedited," Foutch, who is also president of the Association of Washington Cities, testified.

Foutch said that the bill puts the Liquor Control Board in a stronger position "to shut down an establishment that has a chronic pattern of illegal activity."

Some Democrats on the committee voiced concerns that the bill went too far, letting calls to police from responsible barkeeps be used as a basis for revoking a license.

But the Washington State Liquor Control Board's deputy director, Rick Garza, said it actually codifies his agency's practice of looking for chronic illegal activity but gives the board no new powers.

In the end, the Senate Labor, Commerce, Research and Development Committee approved the bill, sending it to the full Senate for a vote.

The measure already cleared the House with only one no vote and represents a compromise between the cities and liquor agency.

A Washington Restaurant Association lobbyist signed in as neutral on the bill and did not testify.

But Pete Hanning, owner of the Red Door bar in Seattle's Fremont district, testified with concerns. Hanning said he acknowledges public-safety worries but sees a need for more police officers and liquor agents; he lamented the death of a bill that would have created a cadre of liquor agents specializing in nightlife venues.

Williams the sponsor

The bill sponsor, Democratic Rep. Brendan Williams of Olympia, said its prospects look good for passage.

"Certainly it is not my effort to be a killjoy for nightspots where people can enjoy themselves," Williams told the committee.

"There's a balance to be struck here. To be sure, we wouldn't want to see a city have the ability to go after a night spot simply because it didn't like its clientele."

Sen. Jeanne Kohl-Welles, the Democrat who leads the committee, had offered an amendment, which the cities opposed, to keep the liquor agency from using an establishment's calls to police against its license. But she withdrew it, saying later she lacked support for it and became convinced it was not necessary.

Seattle City Attorney Tom Carr said cities want more leverage in dealing with problem spots. Carr said a recent melee in Seattle took 40 officers more than two hours to quell.

Sen. Margarita Prentice, D-Renton, objected to what she said was an assumption tying problems to establishments. She said security efforts by card rooms in her district were credited with reducing gang violence; she added that police also have a role to play in keeping order.

But Rick Garza, deputy director for the board, insisted the board would not receive new powers.

"It's not a foregone conclusion that police calls made by the establishment are going to be used" to shut down a watering hole or revoke its license, Garza said.

"Just because there is a fight in front of a bar, we're going to be looking for more that ties it to the premises."

<http://www.theolympian.com/112/story/73748.html>

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