

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

|  |  |
| --- | --- |
| abdblue.jpg - 2723 Bytes |  e - NEWS |
| *April 27, 2007* |

*The 2007 Annual Conference of the National Alcohol Beverage Control Association (NABCA) is set to open in La Quinta, California, in just a few days. On Thursday, May 17th, I will be moderating a presentation called “Global Alcohol Strategies.” For the first time ever, the presidents of three companies representing all three beverage alcohol categories – beer, wine and spirits – will share a single stage. August Busch IV of Anheuser-Busch Companies, Richard Sands of Constellation Brands and Paul Walsh of Diageo will collectively discuss the future direction of the beverage alcohol industry – marketing, strategic opportunities, social responsibility and global markets.*

*Starting with this issue of the ABD e-News, articles featuring these companies will be highlighted in the next few issues. In the meantime, you can learn more about each of these companies by reviewing their most recent Annual Reports. Simply click on the corporate name for* [*Anheuser-Busch*](http://www.anheuser-busch.com/_pdf/2006AR_Anheuser_Busch.pdf)*,* [*Constellation Brands*](http://www.cbrands.com/CBI/constellationbrands/AboutUs/AnnualReport/FY06_Annual_Report.pdf) *or* [*Diageo*](http://www.diageo.com/NR/rdonlyres/1815FC48-623E-476B-85A1-43A40E4DDAEF/0/DiageoAnnualReport06.pdf)*, to view the respective annual report.*

*I hope to see you at the upcoming 2007 NABCA Annual Conference for what should prove to be yet another successful gathering!*

*Lynn*

[**I. NATIONAL NEWS.**](#I)

 **1.** [Anheuser-Busch To Tweak New Web Site As Visitors Decrease](#Five)

 2. [A-B Lowers Expectations for Bud.TV](#Fourteen)

 3. [Anheuser-Busch 1Q Earnings Rise](#TwentyEight)

 **4.** [Alcohol Industry Watchdog Challenges Diageo: Don't Pass the Buck; Add Criminal Charges for CEOs Who Entice Youth to Drink Alcopops](#Eight)

 5. [Diageo Targets Women with a new Drink](#Twelve)

 6. [US Beer Industry Hailed for Economic Contribution](#Thirteen)

 **7.** [Stealth Alcohol Suffers a Blow; Labels for Deceptive Alcohol Products Clear First Legislative Hurdle](#ThirtySix)

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

 8. [Mason City Officially a Great Place](#Seven)

 9. [Waukee Wine Shop Loses License](#One)

10. [C.R. opens new Shelter for Intoxicated Homeless](#Two)

11. [Waukee bar is Banking on Remodeling](#Fifteen)

12. [Further Smoking Limits Eyed](#Sixteen)

13. [Drunken-Boating bill Approved by Senate](#Seventeen)

14. [DM Police Officer Assaulted in OWI Arrest](#Twenty)

15. [Senate Votes to Allow Alcohol at Capitol](#TwentyOne)

16. [National Champion Perry Arrested for Public Intoxication](#TwentyTwo)

17. [U of I Further Restricts Smoking](#ThirtyOne)

18. [British-style Limey's: 'Good food, beer, Conversation'](#ThirtyTwo)

19. [Fethke OKs Smoking Ban](#ThirtySeven)

**III.** [**OTHER STATE NEWS.**](#III)

20. [Underage Drinking Sting (Alabama)](#Eighteen)

21. [Liquor License Abundance Raises Concerns to City (California)](#ThirtyFour)

22. [Refusing Alcohol test can lead to License Suspension, Court Rules (California)](#ThirtyThree)

23. ['Brew Pub' bill Passes through House (Connecticut)](#TwentySeven)

24. [Senate OKs New Tasting Rules for Breweries (Delaware)](#Thirty)

**25.** [Illinois Wineries, beer Distributors reach Compromise (Illinois)](#Nine)

26. [Panel Backs Fleming For Post Of State Police Chief (Maine)](#TwentyThree)

27. [Death Follows Mock Drunken-Driving Scenario (Michigan)](#TwentyFour)

28. [50 Officers Praised for '06 DUI Arrests (Mississippi)](#TwentyFive)

**29.** [Bill calls for Alcohol-Serving Classes for Attendants (New Mexico)](#Ten)

30. [Ohio Bill Would Allow Small Wineries to Bypass Wholesalers (Ohio)](#Three)

31. [OLCC Accepts Wine-Labeling Petition (Oregon)](#Four)

32. [Liquor Taxes Dropping, More Sunday Liquor Sales Ahead (Washington)](#TwentyNine)

33. [Alcohol Density Moves Along (Wisconsin)](#Six)

[**I. NATIONAL NEWS.**](#I)

**1.** **Anheuser-Busch To Tweak New Web Site As Visitors Decrease**

*Dow Jones Newswires*
April 20, 2007

Cyberspace can be a rough neighborhood, even for the king of beers.

Anheuser-Busch Cos. Inc. (BUD) has seen a decline in the number of visitors to its Bud.TV Web site, which aims to draw 20-something consumers with edgy content.

The site was launched in February but started to fizzle soon after that. The number of visitors fell from 253,000 in its first month to 152,000 in March and is expected to be flat in April, said Tony Ponturo, Anheuser-Busch's vice president of global media and sports marketing.

The brewer has scaled back its goals for the site, now hoping to draw about 500,000 visitors each month by 2008 instead of the 3 million it originally expected.

Ponturo said Anheuser-Busch knew Bud.TV would require some tweaking.

"We're sort of learning on the job, but in a glass house as we do it," he said.

Bud.TV is more elaborate than any other Web site the company has launched. It's meant to be a cross between a cable television channel with original shows and Google Inc.'s (GOOG) popular video-sharing site YouTube.

Two factors seem to be hurting Bud.TV, said Eric Shepard, executive editor of the industry publication Beer Marketer's Insights.

The first is a requirement for viewers to enter personal information to verify they are of drinking age.

The second is the difficulty in creating shows with appeal on the Internet. Many of the hit videos that appear on YouTube are zany, spontaneous clips captured by amateurs. It's tough for hired writers to do the same thing.

"It seems like they have put themselves in a kind of difficult position in terms of creative" content, Shepard said.

Ponturo said the age-verification requirement has crimped traffic more than expected.

A one-time registration page requires viewers to enter their name, ZIP code and birth date. Anheuser-Busch added the requirement after critics said Bud.TV might be a way to market alcohol to teenagers.

"People are not conditioned to give personal information for entertainment sites," Ponturo said.

There's no talk of losing the age-verification feature, Ponturo said. The brewer does plan to spiff up the registration page to better fit the "attitude" of Bud.TV, he said.

"The registration page probably looked too much like a bank loan statement," he said.

Anheuser-Busch also is adding features to the site and will begin a marketing campaign to draw more viewers. The overhauled site will have more videos accessible on the home page and allow viewers to email the videos to their friends, Ponturo said.

While Bud.TV's initial results have been disappointing, the true measure of Bud.TV's success won't be known for some time, Shepard said.

"It seems to me that people ought to just sit back and take a breath" before judging Bud.TV's long-term prospects, he said.

<http://www.smartmoney.com/news/on/index.cfm?story=ON-20070420-001026-1753>

**2.** **A-B Lowers Expectations for Bud.TV**
**Abandons Goal of Up to 3 Million Monthly Visitors, Shoots for Audience of 500,000**

Jeremy Mullman
*AdAge.com*
April 23, 2007

Tony Ponturo, the Anheuser-Busch executive in charge of the brewer's pioneering online TV network, said last February that an audience in the mid-six figures would be evidence the site has "missed the mark." Now, he's citing that level as a target.

 The brewer's VP-global media initially hoped to have as many as 3 million monthly visitors to Bud.TV by next February. But in an interview late last week with the Associated Press, Mr. Ponturo said he's now shooting for 500,000 monthly visitors to the site by then.

**Reduced expectation**

The drastically reduced expectation follows news that Bud.TV's traffic fell 40% in March, to 153,000 visitors.

In a statement in response to questions from Ad Age, Mr. Ponturo said A-B would not be reducing its reported $30 million-plus first-year investment despite reducing its audience goal to one-sixth of what it had hoped for earlier. "We are simply recasting our expectations based on two months of actual data," he said.

In beer terms, that means A-B is now buying a single can for what it planned to spend on a six-pack.

**Traffic woes**

The site's traffic woes to date have generally been attributed to a combination of tepid content -- Mr. Ponturo earlier said it was still looking for a "wow factor" -- and an age-verification firewall that requires viewers to enter personal information to access the site.

While the age-verification measures go further than what other brewers, and other A-B brands, have traditionally required online, a group of state attorneys general has said it doesn't go far enough. As the AGs see it, A-B, as a content producer and purveyor, has a greater responsibility to avoid marketing to youth than it does as a mere advertiser.

<http://adage.com/article?article_id=116298>

**3.** **Anheuser-Busch 1Q Earnings Rise**

Jim Salter
*Associated Press*
April 25, 2007

Pricier beer and fewer discounts pushed Anheuser-Busch Cos. Inc. earnings up 3.7 percent in the first quarter, the nation's largest brewer said Wednesday, but the results were below Wall Street expectations.

Anheuser-Busch, the maker of Budweiser, Bud Light and other beers, reported a profit of $518 million, or 67 cents per share, in the period ending March 31, up from earnings of $499 million, or 64 cents per share, in the first quarter of 2006.

Net revenue for the St. Louis-based company rose 2.7 percent to $3.86 billion from $3.76 billion.

Analysts polled by Thomson Financial expected earnings per share of 69 cents on revenue of $3.94 billion. Anheuser-Busch shares fell $1.59, or 3 percent, to $50.76 in midday trading on the New York Stock Exchange.

"We are encouraged by our progress on key initiatives during the first quarter," said August A. Busch IV, president and chief executive officer. "We successfully implemented domestic beer price increases and discount reductions earlier this year and the pricing environment continues to be favorable."

U.S. beer shipments-to-wholesalers rose 0.5 percent to 25.7 million barrels from 25.6 million barrels a year earlier, while international shipments-to-wholesalers jumped 8.7 percent to 5.2 million barrels from 4.8 million barrels. International volume consists of Anheuser-Busch brands produced overseas plus exports from U.S. breweries.

The increase in international shipments was driven primarily by sales in China and Canada, Anheuser-Busch said.

"These factors, combined with our marketing and selling initiatives, provide a good foundation for accelerated earnings growth in 2007," Busch said.

Anheuser-Busch's U.S. market share declined to 50.2 percent from 50.9 percent in the first quarter of 2006, based on estimated shipping volume using information provided by the Beer Institute and the U.S. Department of Commerce.

Analyst Juli Niemann of Smith Moore & Co. in St. Louis believes Anheuser-Busch is spending too much time and money marketing its newer non-beer products such as so-called "malternatives" aimed at 20-somethings.

"This is a case of when you're in a mature industry, tend to your knitting and focus on your profit margins," she said. "I don't know that (the beer industry) is declining, but it's definitely mature."

The company said earnings per share benefited from an ongoing stock repurchase program. Anheuser-Busch repurchased more than 9 million shares in the first quarter.

<http://www.pennlive.com/newsflash/business/index.ssf?/base/business-73/117751825182550.xml&storylist=business>

**4.** **Alcohol Industry Watchdog Challenges Diageo: Don't Pass the Buck; Add Criminal Charges for CEOs Who Entice Youth to Drink Alcopops**

Michael Scippa *AScribe Newswire*April 24, 2007

Diageo, maker of Smirnoff Ice, the top-selling "alcopop," has been publicly goading Marin Institute, the alcohol industry watchdog, to endorse California's AB 1658. The bill, introduced by Assemblymember Sharon Runner, would increase penalties for adults who provide alcohol to a minor from community service to imprisonment. The bill also increases penalties for youth caught in possession or attempting to purchase alcoholic beverages.

Marin Institute calls on Diageo to demonstrate its avowed commitment to the prevention of underage drinking by asking the bill's author to add criminal penalties for corporations and CEOs that contribute to underage drinking by marketing alcohol products that blur the distinctions between alcoholic and non-alcoholic beverages.

We also call on Diageo to support AB 346, introduced by Lori Saldana and Jim Beall, which will be heard by Assembly Government Operations Committee on Wednesday, April 25, 2007. AB 346 is a legislative response to the flood of new alcohol products that simultaneously confuse consumers and promote underage drinking. Packaged to look like everything from Juice Squeezes to energy drinks to Jello cups, the packaging for these products misleads both adults and youth who often think "alcopops" are either non-alcoholic or significantly lighter in alcohol content than beer. Law enforcement, health professionals, parents, youth leaders, and their adult mentors have been raising a red flag about these sweet, bubbly, often fruit-flavored and caffeine-laced drinks for some time. AB 346 would address this problem by requiring additional labeling, making it clear these products contain alcohol. Consistent with its zero tolerance for underage drinking, Diageo, maker of the top-selling alcopop, Smirnoff Ice, should endorse AB 346.

Diageo in their press release suggested, "Diageo strongly endorses zero tolerance when it comes to this important issue."

Bruce Livingston, Executive Director of Marin Institute, says, "Marin Institute demands zero tolerance for corporate activity that markets to youth and produces alcohol products designed to hook youth, like Smirnoff Ice."

Anheuser-Busch also recently started marketing Spykes, intended to be another alcopop they want taxed like beer. However, with sweeteners and at 12 percent alcohol content, Spykes is meant to hook youth.

Diageo is employing a classic industry tactic when faced with a policy change that might cut into its profits - it tries to blame someone else for the problem. Underage drinking already places a $7 billion burden on California.

Livingston adds, "It would be easier, cheaper, and more effective for California to incarcerate the CEO of Diageo for enticing teens to drink with candy-flavored, alcoholic soda pop than it would be to punish adults and youth who fall for the industry's deceitful 'alcopop' marketing."

<http://www.standardnewswire.com/news/1085988.html>

**5.** **Diageo Targets Women with Blended Brand**

*Just-Drinks.com*
April 24, 2007

Global drinks giant Diageo has made a minority investment in a vodka/wine blended spirit targeted at women in North America.

Nuvo, a blend of French vodka, French sparkling wine, and exotic fruit nectar is the creation of Raphael Yakoby, of The London Group and entrepreneur behind vodka/Cognac blended spirit Hpnotiq.

Speaking yesterday (23 April), Yakoby said: "Today's women are willing to spend more on themselves, Nuvo is the first of its kind among alcohol beverages that allows women to pamper themselves with something truly luxurious."

The brand, which aims to leverage the popularity of cocktails, wines and blended liqueurs among women, will be available in a pink bottle inspired by a perfume bottle.

Diageo North America's president & CEO Ivan Menezes added: "This investment builds on Diageo's innovation strategy of taking a stake in small and nimble companies like The London Group that can deliver new ideas."

Nuvo will begin to roll out in the US from next month and will be available in 200ml and 375ml bottles. Pricing details were not immediately available.

<http://www.just-drinks.com/article.aspx?id=90054>



**6.** **US Beer Industry Hailed for Economic Contribution**

*Just-Drinks.com*
April 24, 2007

The US beer industry contributes nearly US$190bn each year to the country's economy, according to a recent study.

 The industry's economic impact includes over 1.7m jobs, paying around $55bn in wages and over $36bn in taxes, a report commissioned by the Beer Institute and the National Beer Wholesalers Association (NBWA) said yesterday (23 April).

"This study shows that more than ever, America's brewers play a pivotal role in promoting strong and robust economic growth throughout our country," said Anheuser-Busch president and CEO, and chairman of the Beer Institute, August A. Busch IV.

The study noted that the direct output of brewers, importers, beer distributors, and retailers into the US economy equates to almost $90bn each year and that beer drives profit for over 531,000 licensed beer retailers.

"These figures demonstrate that the beer industry extends beyond those who make and distribute our products," said Beer Institute president Jeff Becker.

NBWA president Craig Purser added: "Millions of hard-working Americans earn their livelihood in brewing or beer distribution. This is an industry that takes great pride in the fact that its employees have good wages, employer-provided health care, and good benefits."

The study noted that beer production contributes more than $4bn in economic contributions for the agricultural sector, including malting barley ($537.8m), hops ($280.7m), brewers rice ($222.9m), and brewers corn ($58.4m).

<http://www.just-drinks.com/article.aspx?ID=90057&lk=dm>

**7.** **Stealth Alcohol Suffers a Blow; Labels for Deceptive Alcohol Products Clear First Legislative Hurdle**

Mike Scippa
*AScribe Newswire*
April 26, 2007

A bill to require labels clearly distinguishing alcoholic beverages from non-alcoholic beverages won approval today from the Assembly Governmental Organization Committee.

Introduced by Assembly Members Jim Beall (D-San Jose) and Lori Salda-a (D-San Diego), AB 346 presented a straightforward response to an urgent problem. The marketplace is full of alcoholic beverages that don't look, taste, or smell like traditional wine, beer, or distilled spirits. Packaged to look like everything from juice boxes to energy drinks to Jell-O cups to nail polish, these products mislead both adults and youth who often think such drinks are either non-alcoholic or significantly lighter in alcohol content than beer. Law enforcement, health professionals, parents, youth leaders, and their adult mentors have been raising a red flag about these sweet, bubbly, often fruit-flavored and caffeine-laced drinks for sometime.

The modest and sensible measure faced stiff opposition from the alcohol industry. Corporate "alcopops" giants including Diageo (maker of Smirnoff Ice) and Anheuser-Busch (maker of Spykes, Peels, and Bacardi Silver) opposed the bill, which will make it easier for law enforcement, parents, schools, and others to enforce underage drinking laws.

Supporters of the bill, including dozens of groups from around the state, described today's vote as good news for youth and good news for California, which spends over $7 billion on problems associated with youth drinking every year.

"The Governmental Organization Committee, especially the leadership of Chairman Alberto Torrico is to be commended for standing up to Big Alcohol and putting the health and well being of California youth before corporate profits," said Bruce Livingston, executive director of Marin Institute. "Sneaky alcohol products make it tougher to fight underage drinking. Now the writing is on the wall, there is a limit to the predatory and misleading products they can put on the shelves."

The measure passed on an 8-6 vote. (Voting Yes: Torrico, Calderon, de Leon, Evans, Levine, Mendoza, Portantino, and Price Jr. Voting No: Plescia, Garcia, Jeffries, Richardson, Silva, and Tran. Absent: Soto ). AB 346 now goes to the Appropriations Committee before heading to the full Assembly.

The Marin Institute is an alcohol industry watchdog based in San Rafael, CA.

<http://newswire.ascribe.org/cgi-bin/behold.pl?ascribeid=20070426.142000&time=14%2030%20PDT&year=2007&public=0>

**[II. IOWA NEWS.](#II)****8. Mason City Officially a Great Place**

Dan Gearino
*Globe Gazette*
April 23, 2007

Mason City officially joined the Iowa Great Places initiative this morning with the public signing of a contract with Gov. Chet Culver.

The event was held in front of the Statehouse next to a semi-truck covered with advertisements for Mason City's historic buildings, such as the Park Inn.

"Congratulations to all of you for being Iowa's newest Great Places.

Iowa is a beautiful land and we have fantastic people," Culver said.

Mason City is one of six places selected last fall. The program, administered by the Iowa Department of Cultural Affairs, helps places improve tourism and recreation opportunities.

The six places will split $3 million in state money, which is intended to complement local fund raising and grants.

Seven North Iowans made the trip to the event Monday, joined by Sen.

Amanda Ragan, D-Mason City, and Rep. Bill Schickel, R-Mason City.

"It's huge," said Peggy Bang, who was a key player in Mason City's application to the program. "Already we've had more tours of the architecture in town and people inquiring about it. It just gives us some statewide visibility."

The local delegation wasn't expecting the semi-truck. The vehicle, operated by the Iowa Alcoholic Beverages Division, will travel the state's highways and provide free advertising for the city and the Great Places program.

"We arrived here a little early and as we walked up we saw the truck and we almost started giggling," Bang said.

At one point, Culver called out the names of the six places

"I'm afraid Mason City got you all beat there," Culver said.

The six new places join the three already in the program, Clinton, Coon Rapids and Sioux City.

<http://www.globegazette.com/articles/2007/04/23/latest_news/doc462ccec449333447067441.txt>

**9.** **Waukee Wine Shop Loses License**
**Wine House closes after state says sales taxes unpaid**

*Des Moines Register*
April 21, 2007

The Wine House, a wine and cheese specialty shop in Waukee, has closed after the state said it failed to pay sales taxes.

The Alcoholic Beverages Division pulled the shop's liquor license last month.

"The community and my staff are all big losers in this," said Marty Canova, who managed the Wine House for 2 years.

Canova said he knew there are outstanding gift certificates, but he didn't know how much they amounted to because owner Charles Cross had the ledger books in which they were recorded.

###### BILL NEIBERGALL/THE REGISTER

Customers visit the Wine House, 14225 University Ave. in Waukee, in 2004. The store has shut down after the state said sales taxes have gone unpaid. Wine House owner Charles Cross could not be reached for comment. Also, the landlord alleges rent hasn’t been paid.

Canova learned about the revoked liquor license in a letter from the Alcoholic Beverages Division delivered to the business March 23.

The letter indicates that the shop's liquor license was not renewed because of failure to pay sales tax and that the business must cease selling alcholic beverages immediately.

State Department of Revenue records indicate Cross' business, Significant Enterprise LLC, had failed to pay nearly $77,000 for Dec. 31, 2004, through Dec. 31, 2006.

A document filed with the secretary of state by the Internal Revenue Service indicates Significant Enterprise owed $42,205 for December 2004 through August 2006.

The Wine House, at 14225 University Ave., had three full-time and six part-time employees. Employees were last paid on their regular pay day at the end of February, but they were still owed salary and wages for March, Canova said.

He said he hasn't heard from Cross since April 11, but until then Cross was telling employees they would be paid.

"He kept telling us to hang in there," Canova said, saying Cross promised "we'll get this rectified."

Cross could not be reached for comment. Voice mail at the Wine House was still connected, but a voice message left there was not returned. The phone at Cross' home in Boone was out of service.

The shop's landlord, Greenview Corp. of Waukee, seeks to gain possession of the property and has sued Significant Enterprise, alleging it has not paid its rent.

This is the second wine shop in the metro area to close suddenly within the last six months.

The Wine Experience closed in November and its owner, Kyl Cabbage, filed for bankruptcy in January.

Customers with unfulfilled gift certificates can submit a consumer fraud complaint via the state attorney general's Web site.

To begin the process, go www .iowaattorneygeneral.org, and click on "protecting consumers."

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007704210330>

**10.** **C.R. opens new Shelter for Intoxicated Homeless**

*Associated Press*
April 23, 2007

A shelter for homeless people who have been drinking is scheduled to open this week in eastern Iowa.

The Mission of Hope Shelter House in Cedar Rapids will be the city's first "wet" shelter.

"It doesn't matter who you are or what you've done, we'll accept you," the Rev. Barbara Furman said.

The opening of the new shelter comes after 48-year-old Steven Howard died last December in the bitter cold after being turned away from another shelter because he had been drinking. He died of hypothermia with alcohol and cocaine intoxication as contributing factors, officials said.

His death prompted a review of how local shelters — none of which admitted intoxicated people — could handle similar cases in the future.

For now, those who are intoxicated, but who aren't deemed threats to themselves or others, are placed in a motel by the Salvation Army.

"We've probably had only a handful of intoxicated lodgers since the policy was devised in February," said Amy Grunewaldt, the Salvation Army's director of social services.

The Mission of Hope Shelter House, with 12 beds, will provide another option.

"That's a good addition to the community, and I'm glad (Furman) was able to get it up and going," said Ann Hearn, secretary of the Linn County Continuum of Care Planning & Policy Council, the umbrella group for local shelters.

Furman launched the Mission of Hope church in 2003 in a former storefront. In addition to worship services it hosts free lunches, a food pantry, Bible studies and recovery support groups. The 58-year-old emphasizes support for offenders who have finished their jail or prison sentences.

"They seemed to do fine when they're in jail, but when they get out, they come back to the old neighborhood," she said. "There needed to be a place in the neighborhood for people to come to get their lives turned around."

A real estate agent donated the three-story house — a former crack house — for the shelter project, which was launched in late 2004. With the help of federal grants, and the adoption of the project by the Cedar Rapids Homebuilders Association, Furman said the project became a reality.

"It's for two groups," Furman said. "People who just need a place for the night, and folks who say, 'I really want to turn my life around. How can you help me?'"

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070423/NEWS/70423004/1001>

**11.** **Waukee bar is Banking on Remodeling**
**New owners are installing features such as an oak-trimmed bar with marble following a fire last fall.**

Grand Schulte
*Des Moines Register*April 24, 2007

Waukee's century-old bank-turned-bar was the token fixer-upper when its new owners walked in, its front window scarred by fire and its hall cleared of everything but the toilets.

Months earlier, the Bank Tavern at the corner of the historic downtown triangle had closed after a late-night blaze in November. Its new co-owners, Brad Lathrop and Gary Sayre, looked around and set into motion plans for a new sight patrons will see when the bar reopens May 1.

###### Conrad Schmidt

New co-owners of a bar that once was a bank in downtown Waukee are Gary Sayre, right, and Brad Lathrop. They plan to open the remodeled business May 1.

In the old tavern's place, patrons will find an oak-trimmed bar topped with marble, a vintage copper ceiling raised from 8 to 13 feet, white pine floors and original brick walls dating to its time as a bank. Bartenders will serve beer in cans and bottles - owners decided the space was too small for kegs - from giant coolers that can hold as many as 50 cases.

Outside, on the grassy back-lot patio, bargoers will toss horseshoes or listen to bands wail into the night as burgers and brats sizzle on a nearby grill.

"We basically redid everything," said Lathrop, a Waukee native now living in Clive. Once finished, he said, the bar recognized as one the town's oldest "will look pretty sharp."



###### Conrad Schmidt

Contractors work on remodeling the interior of a century-old bank turned bar in downtown Waukee. A fire last November heavily damaged the business. Opening is May 1.

The bar's history is unusual given its 101-year transition from a bank to a children's dance studio to a bar in 1973. Frequented by longtime residents, the bricked tavern on Sixth Street became an iconic watering hole, residents said.

The renovated bar, after about five weeks of work, will have room for 13 tables, 14 bar seats and a half-dozen patio tables outside with umbrellas. Lathrop said the bar will cater especially to bicyclists, motorcycle riders - "pretty much anything on two wheels" - and the tavern's regulars. The bar will advertise a 3 to 7 p.m. happy hour seven days a week, he said, and has hired five employees.

Lathrop and Sayre both are veteran bar managers. Lathrop owns three other area bars - Bradley's Pub in West Des Moines, the Garage in Urbandale and Tanner's Pub in Clive. Sayre, known to friends as "Chop," oversees the Booneville Bar in Booneville and runs a body shop and salvage yard in Waukee.

Renovations to the Bank Tavern will cost about $50,000, by Sayre's estimate. The changes include a new buildingwide electrical system, two larger restrooms and a handicap-accessible ramp by the patio, said Waukee City Planning Director Brad Deets.

Sayre, who moved to Waukee from Des Moines 22 years ago, said he hopes such improvements will appeal to new residents. He plans to advertise largely by word-of-mouth.

"News travels fast here," Sayre said. "In Waukee, if you tell one or two people what's going on, the whole town knows by the end of the next day."

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070424/NEWS/704240351/1001/NEWS>

**12. Further Smoking Limits Eyed**
**Panel urges city to place further limits on smoking**

Elizabeth Owens
*Des Moines Register*
April 24, 2007

Smoking in Urbandale city parks may be limited in the next month to adult softball games, Friday Fest and shelter rentals.

The Urbandale Parks and Recreation Commission passed in a 4-2 vote Wednesday a recommendation to the City Council for a policy to prohibit smoking in areas within city parks where youths 17 years and younger participate in recreational activities.

The current policy prohibits smoking in areas where youth 17 and younger are participating in organized recreational activities, including practice.

"Without (the word) organized, then you have everywhere," said Jan Herke, Urbandale Parks and Recreation director.

The only parkland the commission's recommendation didn't touch was the adult softball complex in Walker Johnston Park, so adult softball and Urbandale Friday Fest could be excluded; and shelter rentals, so that those renting the facilities could smoke outside.

The Urbandale City Council will take up the issue next, likely at its meeting at 7 p.m. May 8.

Council members John Forbes and Mary Polson have indicated they would likely support the policy, while Councilman Doug Getter said he needs to learn more.

Forbes said it's a good thing "whenever we can find a way to get smoke out of the environment, especially the secondhand smoke that a lot of people feel very offended about."

Council members Ron Pogge and John Forst were not immediately available to comment.

Council approval would mean Urbandale's 48 parks would be smoke-free most of the time.

However, because the commission's recommendation is for a policy and not a city ordinance, the smoking ban could not carry a punishment.

Urbandale parent Chuck Davis first brought up a smoking ban to the commission.

"I am pleased with what the commission is recommending," Davis said.

Earlier this year, Davis requested that smoking be banned on Urbandale school district property, and a ban was unanimously passed.

Davis and Mark Headlee, a representative of the Urbandale Sports Association, which puts on adult softball and Friday Fest, contributed the most to the commission's discussion Wednesday.

Headlee said he has concerns over the policy's vagueness and how it could be extended in the future.

"To go and say we're not going to allow (smoking), especially considering that Urbandale right now, adult softball-wise, is the place to be, it could really hurt us down the road," Headlee said.

About 1,500 players participate in the league.

A Des Moines Register survey of the cities in Polk County did not find any cities that ban smoking in all parks, although Johnston does have some parks that are tobacco-free and Pleasant Hill has a policy similar to Urbandale's current policy. Calls to Mitchellville were not returned.

Davis also brought this issue to the Urbandale commission and council in late 2005. At that time, the commission forwarded a recommendation almost identical to the one they decided on Wednesday, although it didn't have the exceptions for adult activities. The council modified the policy to only ban smoking during organized youth activities.

Commission members who voted Wednesday for recommending the policy were Phyllis Kline, Larry Jablonski, Lori Noah and Brian Turnquist. Commissioners Rachel Jackson and Mark Courter voted no. Chuck Goodman was absent.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070424/NEWS/704240349/1001/NEWS>

**13. Drunken-Boating bill Approved by Senate**

*Des Moines Register*
April 24, 2007

The Iowa Senate has again approved a proposal to lower the state's threshold for drunken boating.

Senators voted unanimously on Monday - just as they did in late January - to hold boaters to the same standard as motorists when drinking alcohol: a blood-alcohol content limit of 0.08, down from 0.10.

The Senate spurned a House proposal to create a two-tiered system in which the stricter alcohol standard would apply to people operating boats with bigger engines.

Senators also attached a life jacket requirement for children to the bill dealing with drunken boating.

Those on boats who are younger than 13 would be required to wear a personal flotation device.

Senate File 49 returns to the House for more debate.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070424/NEWS10/704240395/1001/NEWS>

**14.** **DM Police Officer Assaulted in OWI Arrest**

Tom Barton
*Des Moines Register*April 25, 2007

A Des Moines man faces a list of charges, including assaulting a police officer, after allegedly driving drunk and hitting a utility pole.

Elijah Flomo Campbell, 28, was charged with third-offense drunken driving, interference with official acts, resisting arrest, driving while barred, attempting to disarm a peace officer and driving without auto insurance.

According to a police report, Campbell drove his SUV into a telephone pole on SW Ninth Street. The vehicle hopped a curb on Davis Street before backing into a building. Campbell got out of his car and walked into Smokey's Bar, 2301 SW Ninth Street, which he had just hit with his car.

Officers arrived to see Campbell standing on the corner. They said he became aggravated and combative, lunging and grabbing officers as they attempted to arrest him.

One officer sprayed Campbell with Mace, but the chemical had no effect. An officer then used a police baton, hitting Campbell in the shins in an attempt to subdue him.

He was taken to Broadlawns Medical Center for treatment of a cut on his head, along with one officer who was treated for minor injuries.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070425/NEWS/70425004/1001/NEWS>

**15.** **Senate Votes to Allow Alcohol at Capitol**

O.Kay Henderson
*Radio Iowa*
April 25, 2007

The topic of booze is taking up a nip of the time left in the 2007 Iowa Legislative session. It is currently illegal to have alcohol in the state capitol, but legislators have passed resolutions in the past granting exemptions for certain events. This morning, the Iowa Senate voted 33 to 16 to allow alcohol at a reception for the Hy-Vee Triathlon in June.

Senator David Hartsuch, a Republican from Bettendorf, objects to the idea. "As an E-R physician, I'm always having to stitch up the victims of abuse of alcohol," Hartsuch says. "I think we are setting the wrong standard for our state." Senator Dave Mulder, a Republican from Sioux Center, worries that alcohol is becoming too readily available. "As an old coach, I battled that with athletes. I don't even like the association of it," Mulder says. "It just seems to be spreading...I would encourage us to stay away from the use of alcohol at the capitol."

Late yesterday, the Senate also approved a bill that would give the state's executive council authority to grant waivers so organizations that throw statehouse receptions can serve alcohol. Senator Mike Connolly, a Democrat from Dubuque, says alcohol will only be served at significant statehouse events and food vendors for such parties will be required to have a valid liquor license.

"Basically, (the bill) allows the executive council to make a decision," Connolly says. The state's executive council is made up of statewide elected officials including the governor, lieutenant governor, attorney general, auditor, treasurer, secretary of state and ag secretary. The most high-profile reception to get an exemption from legislators to serve alcohol was the statehouse gala for the National Governors Association in July of 2005.

The Iowa House has not yet considered the idea of giving the state executive council the authority to make such decisions in the future, but might take up the bill sometime this week as legislators rush to conclude their work and adjourn for the year.

<http://www.radioiowa.com/gestalt/go.cfm?objectid=299FD24B-091E-D623-88E9B9056C64B7C7>

**16.** **National Champion Perry Arrested for Public Intoxication**

Randy Peterson
*Des Moines Register*
April 24, 2007

 National wrestling champion Mark Perry of Iowa was arrested this morning for public intoxication, according to the Iowa City Police Department’s daily arrest blotter.

Perry, 22, was arrested at 12:56 a.m. near the intersection Iowa and Muscatine avenues after officers were called to investigate an individual yelling profanities in the middle of the street, according to Sgt. Troy Kelsay of the Iowa City Police Department.

The junior won the 165-pound NCAA and Big Ten Conference championships last season, and on April 14 received the school’s Mike Howard Most Valuable Wrestler award.

“The coaching staff will investigate the matter and handle it appropriately,” Iowa sports information director Phil Haddy said this morning.

Perry’s blood-alcohol content was .200, according to the incident report. In the state of Iowa, you are presumed intoxicated when you have a level at or above .08.

The report also said Perry “was singing and rambling” in the back of the patrol car.

Perry became the Hawkeyes' first NCAA champion since 2004 after his 4-3 victory against Oklahoma State's Johny Hendricks on March 17 in Auburn Hills, Mich.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070424/SPORTS020503/70424015/-1/NEWS04>

**17.** **U of I Further Restricts Smoking**

Erin Jordan
*Des Moines Register – Iowa City Bureau*April 26, 2007

Interim University of Iowa President Gary Fethke has approved recommendations that would further restrict smoking on the Iowa City campus.

Fethke stopped short of approving a campuswide smoking ban by July 1, 2009, but asked for a study of whether such a ban is appropriate and could be implemented by July 1, 2008, the U of I reported.

Nationwide, 41 college campuses have banned smoking both inside and outside, according to the American Nonsmokers' Rights Foundation. In Iowa, only Des Moines University and Mount Mercy College in Cedar Rapids are entirely smoke-free, the foundation reported.

Former U of I President David Skorton appointed a Smoking Policy Review Committee in 2005 to study the campus's guidelines for lighting up on campus. Among the committee's recommendations that Fethke approved are:

-- Expanding the 25-foot, smoke-free perimeter around campus building entrances to a 25-foot perimeter around the perimeter of all campus buildings, including athletic facilities and parking ramps.

-- Accommodating all residents of University Apartments who wish to live in smoke-free buildings by this fall. Making the apartments smoke-free by Fall 2008.

-- Prohibiting tobacco products in on-stage performances. The committee also recommended implementing a campuswide smoking ban by July 1, 2009. Fethke did not sign off on this measure.

The study of whether a smoking ban would work at the U of I will conclude Dec. 1. The study group will consult with faculty, staff and students and hold at least one public forum on the issue, the U of I reported. The group will invite comments and suggestions via e-mails to smokebaninput@uiowa.edu.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=/20070426/NEWS/70426020/1001>

**18.** **British-style Limey's: 'Good food, beer, Conversation'**

Joanne Boeckman
*Des Moines Register*
April 26, 2007

Partially hidden in the southeast corner of the Normandy Plaza shopping area in West Des Moines is Limey's Pub, a British-style pub fashioned by Ken and Kim Taylor in November 1995.

Ken, 54, who is from England, is himself a limey, he said. Kim, an Iowa native, has gone along with Ken's pub theme, concocting an extensive menu of British-style foods, along with the requisite bar menu items, to accompany the pub's large selection of imported beers.

Last summer, at the urging of Limey's regulars, Kim started Kim's Kitchen, a catering business. A self-taught cook, she is constantly tweaking both the bar's menu and that of her catering service.

This is what the Taylors told us about their two businesses.

Q. Ken, what brought you to this country?

A. I was a manufacturing engineer by profession. I first came as a consultant with the Firestone plant in 1984. I came back in April 1995 to do another consulting job. I met Kim, and I've been here ever since.

GARY FANDEL/The Register Ken and Kim Taylor are the owners of Limey’s Pub, 1970 Grande Ave. in West Des Moines. Kim also has a catering business called Kim’s Kitchen.

Q. Why did you decide to open a pub?

A. (Ken) When the consulting work was finished, it meant looking for work. I was shopping the country. My uncle ran a pub for many years and I worked for him, so I knew something about running a pub.

In England, the manager often works for a brewery and a lot of them live on the premises. Of course, the pub carries that particular brewery's beer, but here you can carry any beer.

Limey's is a good meeting place. It has good food, good beer and good conversation. A gal can come in and feel perfectly safe. It's a good, traditional pub - cozy and warm. People can sit and have a beer and talk. Smoking is permitted.

Q. What's your beer selection like?

A. (Ken) We have about 100 beers and we can mix beers. We serve the Imperial pint, a 20-ounce English pub pint glass. Most American beer is served in 16 ounces.

Most popular is probably the Guinness and Newcastle Brown. We recently added Smithwicks (pronounced like "Smiddicks"). It's from the oldest brewery in Ireland. Bass Ale is also very popular.

(Kim) We definitely have the largest import selection on the west side.

Q. What are examples of your mixed beers?

A. (Ken) The Shandy is half beer and half 7UP. It's traditionally done with English beer.

(Kim) Snakebite is a mix of lager and cider. And we have specialty drinks, such as Black & Tan, and a Sweet Nookie is cider and Newcastle.

Q. Kim, what is your background?

A. I went to Valley High School and I am a graduate of the University of Iowa. I worked for Estee Lauder for 10 years traveling the Midwest and hiring and training staff. I was a server and bartender with Jimmy's (American Cafe) in Cedar Rapids and Des Moines (when the restaurants first opened).

Q. How did you learn to cook?

A. (Kim) I have no formal training. It was more the Rachel Ray way - with grandmas and mothers and practice.

Q. What's your pub food like?

A. (Kim) We serve classic fish and chips, that's Icelandic cod and British-style fries. BBC - bangers (sausage), beans and chips is a classic. It sounds odd, but it's actually very good. In England, you get a lot of beans on toast. We have a breakfast on weekends and we often have that as a special.

(Ken) The majority of it is regular breakfast food you can get anywhere, but we do have a couple of the British dishes.

(Kim) We also have meat pies and Scottish eggs - boiled eggs wrapped in pork sausage, breaded and fried.

(Ken) Those are a bar snack that are very good, particularly with a spicy English mustard. We also have pizza made in a brick oven. Kim makes the dough.

Q. What's a Limey's meal like?

A. (Kim) We have two homemade soups daily, sandwiches and wraps and a lunch special such as Mexican lasagna, a Cajun Po'boy, Cornish pasties, hot meatloaf and fried chicken.

(Ken) The Ploughman's lunch is popular. It's a Limey's house salad with Stilton cheese, meats, crusty bread and chips. We have smoked meats - brisket, pulled pork, turkey, hickory smoked prime rib. We do quite a few events in the summer where we take the smoker.

(Kim) I also make thin-cut onion rings.

(Ken) We started very small and the selection has grown over the years, a lot at customers' requests. We serve a special and the customer asks us to put it on the menu. This place is what it is because of Kim and her cooking.

Q. What about Kim's Kitchen, the catering part of your business?

A. (Kim) We serve breakfast, appetizers, sandwiches, smoked meats and desserts. Our lunch is for someone looking for an alternative to a box lunch. We make home-style meal choices such as lasagna, chicken and noodles with garlic mashed potatoes and a biscuit, jambalaya, pepper steak, soups, salads, fruit, chips and a cookie, bar or brownie.

We also makes desserts. We must have baked 100 pies for Thanksgiving - coconut cream, vanilla cream, fruit, pecan, cinnamon chip pumpkin.

(Ken) We deliver. I've even delivered as far as Newton.

**19.** **Fethke OKs Smoking Ban**

Brittney Berget
*The Daily Iowan*
April 27, 2007

UI interim President Gary Fethke has approved recommendations to widen smoke-free areas across campus and promote UI resources dedicated to helping smokers kick the habit, officials announced Thursday.

Fethke agreed with all recommendations from a committee that reviewed campus smoking policies; he also chose to move the proposed campuswide smoking ban up from July 1, 2009 to July 1, 2008.

Also, the grounds surrounding the Field House will now be smoke-free as part of the Health Sciences Campus. This policy is to go into effect immediately.

The committee - which consists of Susan Buckley, UI associate vice president for Human Resources; Susan Johnson, UI associate provost for faculty; and Joan Troester, director of UI wellness - had the duty of seeing how UI students and faculty would react to the smoking bans and whether a campuswide ban could go into effect as early as next year.

"We're really trying to get input from the community and see whether such a smoking ban will be feasible," Buckley said on Thursday.

Although the ban would be enacted a year earlier than planned, she said, there should be adequate time to gauge the public's opinion.

"It's very doable," she said about the campuswide ban. "Partly because we've already spent over a year talking about these issues."

Whether the smoke-free policy will be completed is still up in the air, but past reactions to current smoking bans were well-received, and Buckley said she imagines this ban won't be too different.

"I don't want to prejudge, but in our experience to date, we've had public approval," she said, adding that former President David Skorton had created the committee.

Officials will collect feedback from the university community until Dec. 1, 2007, and the committee will hold at least one open forum in the fall. The committee also invites comments and suggestions to smokebaninput@uiowa.edu.

The committee has set a number of recommendations that include implementing addition educational activities to create awareness of regulations, resources to assist with smoking cessation, and most relevant, the current restriction of 25 feet around entrances and exits of buildings will be extended to include the entire perimeter of all campus buildings.

Eric Voss, a UI library assistant, said even though he's a smoker, he thinks the new ban has the potential to be a good thing.

"I quit for two years then gave into temptation," he said. "I plan to quit again, and it'll be a lot easier if there are fewer smokers are around."

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/04/27/Metro/Fethke.Oks.Smoking.Ban-2885071.shtml?reffeature=htmlemailedition>

**III. OTHER STATE NEWS.****20. Underage Drinking Sting (Alabama)**

Mel Showers *WKRG* *TV – Alabama*
April 23, 2007

Mobile police say if you're aware of alcohol being sold to minors in your community, they want you to contact them. When you complain, the underage drinking task force will respond.

In the past two weeks, 18 restaurants and convenience stores were checked and 8 clerks ended up being served with arrest warrants.

Corporal Emmit Byrd told News 5: "We want them to be aware. We want them to know that we're gonna be out there and we're gonna be checking. Our goal is for compliance." Police say they don't care if business owners know how far they go in preparing their sting operations to make sure the cases stand up in court.

For example, the undercover buyer is always under the age of 21. He or she is equipped with a video camera small enough to fit in a button hole. Exactly how much money was spent on the transaction is placed on video and everything else is documented with pictures. If convicted, clerks can face fines up to one thousand dollars and they could face up to six months in jail.

If alcohol is being sold to minors in your community, you can file a complaint anonymously. You can find a tip sheet on the Mobile Police Department website by clicking here.

<http://www.wkrg.com/servlet/Satellite?pagename=WKRG%2FMGArticle%2FKRG_BasicArticle&c=MGArticle&cid=1173350912338&path=!features!crimestoppers>

******21. Liquor License Abundance Raises Concerns to City (California)**

Aaron Aupperlee
*Desert Dispatch*
April 26, 2007

A high concentration of liquor licenses in Barstow has raised concerns that potential bans on licenses could affect future development in Barstow.

At Monday's Planning Commission meeting, Mike Massimini, the associate planner for the city, said the number of liquor licenses in Barstow exceeds limits made by the state legislature. Barstow has 39 stores licensed to sell liquor and 42 restaurants and bars.

**

Romeo Alhattawi stocks non-alcoholic drinks at his shop on West Main Street. His shop, Shop for Less, does not have a liquor license and makes a majority of its profits from selling groceries.

However, according to limits contained in the state Business and Professions code, cities may only have one store license for every 2,500 people and one restaurant or bar license for every 2,000 people. Massimini said in order for Barstow's number of licenses to comply with population requirements, the population would have to swell to more than 84,000 people.

John Carr, a spokesman for the California Department of Alcoholic Beverage Control, said the state legislated the ratios in the 1960s as a guide for communities to determine how many licenses to allow. There is no punishment or penalty placed on a city with more licenses than the ratio recommends, Carr said, but the department works with the community to make sure licenses are granted with the best interest of the community in mind.

The recent request of a license brought the issue to the city's attention, according to John Rader, a spokesman for the city. Because Barstow's number of licenses exceeds limits set by the state, the city needs a basis to approve or deny applications for new licenses and looked to the Planning Commission to establish standards and criteria for the process.

According to Rader, the city cannot revoke licenses but can direct the California Department of Alcoholic Beverage Control to deny an application.

Tim Clark, Barstow's district administrator for Alcoholic Beverage Control, said the number of stores selling beer and wine prompted the state legislature to place a moratorium on that type of license in many cities, including Barstow. The moratorium, which went into effect in Barstow on January 1, 2005, and continues for five years, prohibits granting new licenses to sell beer and wine in stores.

"I guess they (the legislature) were concerned," Clark said. "It's giving the city entities a little more control over what's going in their city."

Barstow joins other San Bernardino County cities on the moratorium list. Big Bear Lake, Chino, Colton, Grand Terrace, Montclair, Needles, Ontario, San Ber nardino, Victorville and Yucca Valley also have bans on new beer and wine licenses for stores. Clark said there are no other bans in place on other types of liquor licenses.

The ban of one type of license, however, raised concern at the city level. City officials hope more restaurants, such as the recently announced Chili's, will soon come to Barstow. Massmini asked the commission to consider giving the city direction in the issuing of licenses and whether the commission wants to limit the number of permits.

Bob Clemmer, a planning commissioner, said the city can expect upscale dining to come along with liquor licenses and worried limits on licenses would hamper growth.

"We don't want to handicap ourselves," he said. "I just want to make sure we can bring in the growth."

Rader stated that the city is also concerned the effect licensing guidelines would have on future growth. The city is evaluating guidelines of other cities and will present the Planning Commission with guidelines for review, according to Rader.

Some local businesses do not depend on alcohol sales to stay open or grow. Michael Lewis, owner of Quigley's on Lenwood Road, said the opening of a sports bar area at his restaurant about two years ago has not contributed to significant growth in his business. Lewis, also a planning commissioner, recused himself from Monday's liquor license discussion.

"It has helped some," Lewis said. "It's more of a convenience to our customers."

He said the restaurant customers that come through Lenwood are mainly travelers making a stop, not the clientele that tend to frequent a bar.

"The Lenwood area is essentially eating," he said. "People are not going out to be entertained."

Lewis said that perhaps if Lenwood Road develops a high concentration of restaurants or a casino, a liquor license might become essential to survival.

For owners of small markets along Main Street, selling beer and wine tends not to make or break a business. Sam Hanhan is a manager at Cactus Market on Main Street and said that although beer and wine make up a large portion of his sales, they do not turn a large profit.

"If you sell a 12 pack of beer, you only make a dollar," Hanhan said. Large-profit items include groceries, candy and other merchandise available at the Cactus Market.

Romeo Alhattawi, owner of Shop For Less in Lenwood, only relies on the sale of groceries to stay in business.

"Everyone needs them," he said. "In our area here, people are far from the big grocery stores."

He does not have a liquor license in order to avoid the high overhead cost of stocking alcohol and to keep his shop focused on grocery items.**22. Refusing Alcohol test can lead to License Suspension, Court Rules (California)**

Bob Egelko
*San Francisco Chronicle*
April 26, 2007

A suspected drunken driver can have her license suspended for refusing to be tested for alcohol, even though police only found her passed out in the car and never actually saw her driving, the state Supreme Court ruled today.

The unanimous decision in a case from San Mateo County resolves a conflict that has existed in lower courts for nearly 20 years, with some courts requiring proof that someone was seen driving erratically and others requiring only evidence that the person had been driving while drunk. The court endorsed the latter view today.

Californians who drive motor vehicles implicitly agree to have their blood tested for alcohol, subject to a one-year license suspension if they refuse, Chief Justice Ronald George said in the ruling.

State law "does not require evidence that actual driving occurred immediately prior to the arrest,'' but merely an officer's "reasonable belief'' that the person had been driving while intoxicated, George said. "A contrary interpretation of the implied-consent law would disserve the public-safety policy'' behind the law, he said.

The court upheld the one-year license suspension of Terry Troppman, who was spotted by a police officer in Belmont slumped in the driver's seat of a parked van in January 2003.

Troppman failed field sobriety tests and admitted she had been drinking from a wine bottle found in the van, but said she hadn't started drinking until she parked. Her license was suspended after she refused to complete a test for alcohol.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/26/BAGIVPG2J59.DTL>**23. 'Brew Pub' bill Passes through House (Connecticut)**

*WTNH TV*
April 25, 2007

An bill that would allow brew pubs in Connecticut to bottle and sell their beers outside a restaurant setting, has passed the House floor in an overwhelming vote.

The measure passed the House today with an overwhelming vote of 146 to 3. It would adhere to Connecticut's three-tiered system, a process that involves the state's producers, wholesalers and retailers for bottling and distribution.

Steve Boucino, founder and president of the Cambridge House brew pub in Granby, initiated the bill that passed through the General Law Committee in March by a unanimous vote of 19-0.

It aims to negate a 70-year-old provision in the state's law that currently prohibits licensed brew pub owners from running a beer bottling or kegging operation.

<http://www.wtnh.com/Global/story.asp?S=6426184&nav=3YeX>

******24. Senate OKs New Tasting Rules for Breweries (Delaware)**

Patrick Jackson
*Delaware Online*
April 26, 2007

Lawmakers are trying to make sure beer lovers don't end up paying the price for their favorite brewers' success.

Those who enjoy the occasional tour of Dogfish Head's Milton brewery or the Twin Lakes brewery in Greenville often want to come away with a sample of the suds on display.

But unless a bill moving through the General Assembly this month becomes law, beer lovers will lose the ability to buy samples at the Dogfish brewery, an enterprise that has outgrown state law's definition of a microbrewery.

Once a brewery produces more than 25,000 barrels of beer a year, it loses the ability of microbreweries to allow on-site tasting and small-volume sales. It only is allowed to sell through distributors.

The Fordham brewery in Dover already has outgrown the tasting/sampling stage, and Twin Lakes hopes to one day reach the same threshold.

Senate Bill 67, after extensive negotiations between brewers and distributors, would extend the on-site privileges to brewers making less than 150,000 barrels a year. The Senate approved the bill unanimously Wednesday.

Matt Day, Twin Lakes' vice president for marketing and one of the brewery's founders, said he's pleased to see the state working to change the law to accommodate the fast-growing craft-brewing industry.

"We were trying to be cutting edge in the '90s when they passed the original law, and there was a lot of trial and error in that process," Day said. "It's not an issue for us yet, because we only make about 2,000 barrels a year now. But we're growing and it's good to see them trying to get this settled."

Day said many beer fans still think of brews like Samuel Adams as craft beers, even though Samuel Adams' production volume reaches into the millions of kegs. Delaware brewers aren't anywhere near those production levels, but beer lovers will always see a brew like Dogfish Head as a specialty beer and seek the close contact with the brewery.

"They went from nothing to being one of the fastest growing breweries in the country," Day said. "This is a business we need to support. It's manufacturing. It's agriculturally based and, odd as it sounds, it's a tourist business. People come here to visit our breweries."

**Laws created in 1930s**

Under Delaware's post-Prohibition alcohol control laws, a full-scale brewery can sell its product only to wholesalers, who in turn sell it to bars and liquor stores under the state's so-called "three-tiered" system for alcohol production, distribution and sale.

"It was set up that way back in the '30s so you couldn't have a brewer who opened a saloon, charged a really low price and forced their competition out of business -- then jacked the price back up, leaving people without a choice," said Jack Cordrey, commissioner of the state's Office of Alcohol Beverage Control.

"But the world's changed. In a lot of places, you've got Wal-Mart and Costco setting costs by telling the suppliers what they'll pay, and you've got a lot more choice in what you can buy."

Cordrey said it is important for Delaware to encourage the innovation of people like Dogfish Head founder and CEO Sam Calagione.

"I don't think we should penalize people like Sam Calagione for his success -- which has been great for Dogfish Head and put Delaware beer on the map -- by making him change the way he does business," Cordrey said.

**Opposition from distributors**

Cordrey originally proposed totally erasing the distinction between micro- and full-scale breweries as far as sales and tastings went. He has a powerful ally in the bill's prime sponsor, Senate President Pro Tem Thurman Adams Jr., D-Bridgeville.

"This is a bill the commissioner brought to me," Adams said. "He said it will help protect our industry and make it stronger, so I looked at it, and I think it's a good bill."

But alcohol wholesalers objected, saying Cordrey's plan would undermine the three-tiered system, which they say safeguards consumer choice and helps keep prices down.

During meetings last week, the two sides started to develop a compromise that would increase the beer production volume needed to trigger the change to be considered a full-scale brewery.

"We certainly want to support our Delaware breweries and see them continue to succeed," said Chris Tigani, president and CEO of NKS Distributors. "At the same time, we want to protect the integrity of the three-tiered system because we think it provides Delaware consumers with choice and value."

**Reaching a compromise**

The compromise would increase the production volume needed to kick in the sales and tasting prohibition from more than 25,000 barrels per year to more than 150,000 barrels per year.

It still would allow the commissioner to permit beer tasting events, but would limit the amount of beer a customer coming into a brewery could buy for use elsewhere to five cases per day. Cordrey said the trickiest part of the compromise was deciding how much beer a consumer can take home from a brewery.

"They [distributors] wanted one, but the brewers thought that was too low" Cordrey said. "Five cases per person per visit seems to be the number that makes everyone equally unhappy."

But beer lovers like Doug Griffith of Millsboro say Cordrey was right in the first place and the old system of brewery regulation should be scrapped. Griffith sells home-brewing supplies and is a former president of the Southern and Nearby Delaware Ale and Lager Society.

"I don't see why we need those Prohibition-era restrictions in the first place," he said. "If I live close to the brewery and can get a good price there, I don't see why I should be limited. If I'm 20 miles away, I'm probably not going to go out of my way to buy beer; I'll just go to my neighborhood store."

<http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20070426/NEWS/704260367/1006/NEWS>

******25. Illinois Wineries, beer Distributors reach Compromise (Illinois)**

Blackwell Thomas
*Pantagraph.com*April 23, 2007

Illinois-made wines could flow more freely throughout the state but with a few regulations to control its quantity and destination after wineries and beer distributors reached a compromise.

The Associated Beer Distributors of Illinois, a consortium of 70 distributors, argued winemakers were bypassing the state's alcohol distribution system by shipping directly to customers.

The law, distributors said, was meant for all alcoholic beverages, including wine.

Backed by the state's beer distributors, some Illinois lawmakers were pushing legislation to block the flow of wine between producer and consumer. Distributors hoped to more tightly regulate the wine industry and bring it in line with restrictions faced by beer distributors.

Dave Strickland, who lobbies on behalf of Illinois wineries, said the survival of the state's wine industry depended on the right for wineries to ship directly to customers.

"We needed a bill which would enable us to ship straight to consumers and a bill that would enable us to self-distribute small amounts direct to restaurants, grocery stores and retailers," he said. "In the last 18 months, those things have been threatened by either legal action, legislative action or a combination of the two."

The agreement will allow small wineries to sell up to 5,000 gallons of wine directly to retailers and 12 cases of wine, per person, per year.

Strickland said the 12-case provision was particularly important.

"That number was absolutely essential because of our wine-of-the-month clubs," he said.

Jerry Rosen, executive director of the Beverage Retailers Alliance of Illinois, said negotiations were tough.

"Negotiations tried to take everybody's position into consideration. It was extremely difficult to do," he said. "Everybody concerned wound up coming to the table knowing that nobody was trying to take advantage of the other. Our concern was having a level playing field for Illinois retailers."

Though the language has not been drafted, the compromise is expected to be attached to an existing measure in the House. That legislation is expected to be HB 429.

<http://www.pantagraph.com/articles/2007/04/23/news/125635.txt>

**26. Panel Backs Fleming For Post Of State Police Chief (Maine)**

Rhonda Erskine
*WCSH6 – TV*
April 23, 2007

Patrick Fleming, who heads the Maine State Police liquor licensing, gaming and weapons unit, won a strong vote of legislative support Monday afternoon to become the state police chief.

Fleming, a 23-year state police veteran who holds the rank of lieutenant, won an eleven to one vote of support from the Criminal Justice and Public Safety Committee. The committee's strong recommendation heightens Fleming's chances of being confirmed by the Senate.

Fleming spoke of strengths and weaknesses in the state police. He says the educational level of state police is rising. But Fleming said the agency lacks a sufficient number of troopers to patrol the highways, especially in rural areas where more Mainers are now living.

The lone vote against Fleming's confirmation was by Representative Richard Sykes. The Republican from Harrison said it was not clear whether Fleming was the top choice of Public Safety Commissioner Anne Jordan. Questioned by Sykes, Jordan said Fleming is qualified for the post.

Sykes says the final choice has all of the appearances of a political appointment by the governor of his former bodyguard.

Several groups, including the Maine State Troopers Association, the state Office of Substance Abuse and the Kennebec County sheriff, gave Fleming their strong endorsements.

Fleming, of Fairfield, was the sergeant in charge of executive protection, which provides security for the governor and other top officials. If confirmed, he will succeed Craig Poulin.

<http://www.wcsh6.com/news/article.aspx?storyid=58512>

**27. Death Follows Mock Drunken-Driving Scenario (Michigan)**

Christy Arboscello
Gannett News Service
April 25, 2007

L'Anse Creuse High School-North students got two serious lessons in why they shouldn't drink and drive as prom and graduation season ramps up.

A mock car crash orchestrated by seniors in the Macomb Township school parking lot Thursday showed the deadly results of drunken driving.

And if the depiction didn't hit home, school and police officials hope reality did. That night, a drunken driver killed an 18-year-old Armada Township resident, police said.

"That just put everything in perspective," Officer Vince Pipia, who works for the L'Anse Creuse district and helped oversee the demonstration, said Tuesday.

According to the Macomb County Sheriff's Office, Emilee Floer, a senior at Armada High School who was a member of Students Against Destructive Decisions, died after Michael Bulger, 23, of Clinton Township crossed a center lane with his 2007 Chevrolet TrailBlazer and hit her 1990 Ford Thunderbird.

Bulger, who was convicted of drunken driving in 2004, was charged with operating while intoxicated causing death, operating while intoxicated causing serious injury and operating while intoxicated second offense. Police didn't release his blood alcohol level.

Earlier that day, L'Anse Creuse North students put on the simulated crash as a preventive measure. The event was the brainchild of Macomb Township resident Maria Didio, 17, and classmate Chelsea Stachnik, an 18-year-old Chesterfield Township resident who is active in SADD.

During the mock crash, a car carrying three supposedly intoxicated teens crashed into another vehicle with four students said to be returning from a prom party. Two kids simulated dying after being ejected, and two others acted injured.

Emergency personnel acted out arresting the drunken driver, treating injured students and taking away the dead teens in body bags.

"We've been to parties and we've seen kids who leave when they're intoxicated," Maria said. "There's just so many things that can go wrong that students kind of don't realize."

<http://www.dailypressandargus.com/apps/pbcs.dll/article?AID=/20070425/NEWS01/70425019/1002>

**28.** **50 Officers Praised for '06 DUI Arrests (Mississippi)**

**Madison County Sheriff's employee takes top spot**

Richard Lake
*Clarion Ledger*
April 21, 2007

Sandra Moffett, 100 Club coordinator, and Public Safety Commissioner George Phillips congratulate Sgt. Richard Johnson of the Madison County Sheriff's Department for 403 DUI arrests.

There are so many drunken drivers out there, say the experts, that just about every law enforcement officer in the state could spend all day, every day making DUI arrests and run out of time before he ran out of suspects.

"If you spent all your time on DUI, it would be phenomenal," said Lauderdale County Sheriff's Deputy Joey Moulds. "You could get close to five (hundred) or 600."

Moulds was one of 50 Mississippi law enforcement officers honored Friday by the state Department of Public Safety for making what amounts to thousands of arrests in 2006 for driving under the influence.

Having made 319 DUI arrests last year, Moulds placed third in the state among officers whose agencies nominated them. Moulds said it's not unusual for him to make a dozen arrests during a weekend.

Emmett Johnson appreciates that dedication. His son, Michael, 18, was killed by a drunken driver in Jackson two years ago.

"I just don't want another parent to have to go through what me and Gloria and the Rhea family have been through," he told the crowd of officers Friday.

Jason Rhea, 26, had been drinking when his car crashed with the one driven by Michael Johnson, 18, a point guard on Murrah High's 2005 Class 5A state championship. Both died in the crash. Rhea, who was to become a father in about two months, had three DUI convictions and another charge was pending when the wreck occurred.

Sandra Moffett, coordinator of Friday's event, said it can take two hours or more for an officer to make a DUI arrest, including making the stop, conducting a sobriety test, making the arrest and booking the suspect into jail.

That some of the officers made hundreds of arrests in one year shows how dedicated they are.

Sgt. Richard Johnson with the Madison County Sheriff's Department took top honors with 403 DUI arrests last year.

Like Moulds and others honored, Johnson primarily works DUIs, but not exclusively.

"Some days, I don't get a single DUI," he said. "But some nights, I get five or more."

Sometimes, he'll get 10 in one shift, like when the department has a roadblock set up.

"No intoxicated driver I have ever talked to - even ones that were in an accident - ever thought it was going to happen to them," he said.

Johnson, a Madison County native who's been a deputy since 1998, said he's focused on drunken drivers for the last four or five years.

He didn't set out to become the state's top DUI cop, but seemed to have a knack for catching drunks who chose to get behind the wheel, he said.

"I'm tuned into them," he said. "I really watch what's going on."

He said there aren't any secret, telltale signs of a drunken driver; it's just the typical weaving, running red lights and failing to obey simple traffic laws that usually tip off an officer.

In all, the 50 officers, troopers and deputies honored Friday made 5,286 DUI arrests last year, nearly a quarter of the 23,693 such arrests made statewide in 2006, according to numbers from DPS.

Public safety spokesman Warren Strain said not every law enforcement agency in the state was represented because it is a voluntary nomination process. That's why some agencies - like the Jackson Police Department, the state's largest police force - had no officers on the list of top DUI cops.

The Madison County Sheriff's Department had plenty more deputies on the list than any other agency in the state.

Four of the top five were Madison deputies.

"It's simple. It's against the law in the state of Mississippi," Sheriff Toby Trowbridge said.

Trowbridge said he believes the problem of drunken driving still isn't taken seriously enough by many people.

"I would suggest to all chiefs and sheriffs that if we're making this many arrests in Madison County, it's probably going on in other counties too," he said.

<http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20070421/NEWS/704210367/1001/news>

**29.** **Bill calls for Alcohol-Serving Classes for Attendants (New Mexico)**

Wendy Brown
*The New Mexican*
April 24, 2007

U.S. Rep. Tom Udall, D-N.M., introduced a bill Monday that would require airline officials to make sure flight and gate attendants take an alcohol-server training class.

If an airline did not comply with the requirement, the airline would face a $25,000-a-day fine, according to a news release from Udall's office.

Federal regulations bar attendants from allowing visibly intoxicated people on board or serving anyone who is visibly intoxicated but need to also require alcohol-server training, Udall said.

``It's simple -- training attendants to identify inebriated passengers either boarding or already on a flight is critical to ensuring they make informed decisions when serving alcohol,'' Udall said.

While introducing the bill, Udall noted the Nov. 11 drunken-driving crash that killed five members of a Las Vegas, N.M., family on Interstate 25 near Santa Fe.

The crash involved Dana Papst of Tesuque, who police say was drunk when he drove the wrong way down the interstate. Hours before the crash, US Airways personnel had served Papst two individual-sized bottles of whiskey, although witnesses said Papst -- who also died in the crash -- already appeared drunk. After Papst got off the plane at Albuquerque International Sunport, he stopped at a Bernalillo Redi-Mart and bought a six-pack of beer on his way to Santa Fe, investigators said.

Gerald Collins Sr., great uncle of Arissa Garcia, the 15-year-old lone survivor of the crash, said he applauds the bill. ``I think (the training) is absolutely necessary if they're going to be serving alcohol,'' he said. ``The training is clearly lacking.''

Corey Caldwell, a spokeswoman for the Association of Flight Attendants-CWA, said she couldn't name any airlines that don't require alcohol server training in their six-week basic training program, but there could be some that don't.

The association supports measures that would increase training for flight attendants, Caldwell said. The association, based in Washington, D.C., represents more than 55,000 flight attendants who work at 20 airlines.

Since the end of prohibition in 1933, the U.S. Constitution has left alcohol regulations to state governments. The federal government, however, has jurisdiction over the airlines and airline safety.

All but 13 states require airlines to have liquor licenses, but Alaska is the only state that has a law that requires flight attendants to undergo alcohol-server training. New Mexico requires people who serve alcohol in restaurants and bars, as well as those who sell alcohol in stores, to pass an alcohol-server training class every five years.

After the November crash, Edward Lopez, head of the state Regulation and Licensing Department, said he planned to work with airline officials to make sure airlines flying in and out of New Mexico require their flight attendants to take an alcohol-server training course.

But Udall's bill would make that work on the state level unnecessary. And Lopez praised Udall's bill Monday. ``I think it's great when a good idea catches on,'' he said.

Marissa Padilla, a Udall spokeswoman, said the congressman does not expect the bill to be controversial.

<http://www.freenewmexican.com/news/60647.html>


**30. Ohio Bill Would Allow Small Wineries to Bypass Wholesalers (Ohio)**

*Beverage News Daily*

April 23, 2007

A proposed amendment to Ohio’s budget bill would allow operators of small wineries in Ohio to sell their wine by mail and to put their products in grocery stores without using a distributor.

But the author of the amendment, Ohio House Finance Chairman Matt Dolan (R) says it mistakenly includes an unintended provision on brew pubs that will have to be deleted. Dolan said he sought suggestions from trade groups representing the beer and wine industries, but didn't know how a provision barring brew pubs from selling takeout bottles and sealed jugs of beer got written into the amendment.

Chris McKim, owner of Strongsville's Brew Kettle, where customers brew and bottle their own beer, called the provision a "death blow" to his business and other small brewers. "It's our bread and butter," said McKim, whose bottled-beer sales generate 60% of his restaurant's sales.

Although the Wholesale Beer & Wine Association opposes the direct sale of wine to consumers, spokesman Bob Tenenbaum said the association would support the measure, provided the brew pub provision is removed, because the amendment satisfies the law with minimal damage to regulations surrounding wine distribution.

**31.** **OLCC Accepts Wine-Labeling Petition (Oregon)**

Karl Klooster
*News-Register*

April 21, 2007

The Oregon Liquor Control Commission accepted Friday a petition from the Oregon Winegrowers' Association seeking relaxation of some of Oregon's wine-labeling requirements.

That does not necessarily spell approval, however. It merely sets in motion a hearings process that could easily run six months.

Currently, all but seven varieties of Oregon wine require 90 percent purity to be sold under a varietal label. The limit for the seven exceptions, all Bordelaise varieties that are traditionally blended to enhance their character, is 75 percent.

At the urging of Southern Oregon winemakers, seeking more room for blending with the warm-weather varieties dominating in their region, the association is proposing the limit be reduced to 75 percent for another 32 other wines. Pinot noir, pinot gris and other cool-weather mainstays of the Northern Willamette Valley would remain under the 90 percent restriction, one of the toughest in effect in a wine-growing region anywhere.

However, fierce opposition has arisen among northern winemakers. They fear the distinction would be lose on consumers and they would lose a major claim to fame - one of the world's highest standards for purity.

Luisa Ponzi of Ponzi Vineyards served as chief organizer for northern interests. She presented the OLCC with an opposition petition signed by 31 wineries, all operating in northwestern Oregon.

In a recent interview, she complained, "This would confuse people. We've built a reputation based on 90 percent purity.

"We have a couple of exceptions, but if the rules change, there will be more exceptions than there are ones that comply."

However, Southern Oregon winemakers say they need more leeway on blending to compete effectively with wines from California, just to the south, where rules are more relaxed. They say holding to a 90 percent standard for the north's cool-weather wines, and other wines not traditionally blended, should be sufficient to protect Oregon's reputation.

And the OLCC decided there is enough merit in their position to warrant launching a formal hearings process.

<http://www.newsregister.com/news/story.cfm?story_no=220899>



**32.** **Liquor Taxes Dropping, More Sunday Liquor Sales Ahead (Washington)**

David Ammons *Associated Press*
April 25, 2007

Washington's liquor taxes will drop this summer after lawmakers allowed a surcharge of 42 cents per liter to expire. They also agreed to more than double the number of state-run liquor stores allowed to open their doors on Sunday afternoons.

During the current two-year state budget period, which ends June 30, lawmakers had authorized a surcharge on hard liquor as part of a revenue package to help fill a $1.8 billion budget gap.

Lawmakers didn't mention it when they listed tax relief bills that passed this session, but budget writers quietly allowed the temporary tax to expire, effective July 1. It would have taken a new budget provision or a separate bill to keep the tax going another two years or to make it permanent.

The tax charge of 42 cents a liter raised about $19 million in the past two years, according to the Senate Ways and Means Committee.

The Distilled Spirits Council of the United States said the Legislature's decision "will help reduce Washington's current burdensome excise tax rate from $21.30 per gallon to $19.39 per gallon."

David Wojnar, the council's vice president for state government relations, said Washington still will have the highest tax and markup rate in the country, with about 60 percent of the purchase price being the state's tax and markup. The average state with a state-run liquor monopoly has taxes of $9.59 per gallon, he said. A 16 percent federal tax is also applied.

A sample "where your liquor dollars go" chart on the state Liquor Control Board's Web site says a $13.65 bottle of booze includes $3.48 in the distillery price, $2.14 in federal taxes, $4.67 in state liter and sales taxes, and $3.36 in state markup.

The state liquor stores sent about $300 million in taxes and markup dollars to the state treasury and to cities and counties in the last fiscal year.

"Reducing the tax burden on adult consumers, while giving them modern conveniences, such as the opportunity to shop for spirits on Sundays, ultimately helps create jobs and add funds to the state treasury," Wojnar said.

The new budget for the coming two years also includes a proposal by Senate budget Chairwoman Margarita Prentice to allow 29 more state-run liquor stores to open their doors from noon to 5 p.m. on Sundays.

Two years ago, for the first time since Prohibition ended and state "blue laws" forbade sales on Sunday, the Legislature authorized 20 state-run stores plus contract stores run by private vendors to open on Sundays.

The experiment was a big hit, with sales exceeding expectations and causing no apparent problems or falloff of sales on other days, the liquor board told the Legislature this winter. The original Sunday sales estimate was $10 million by July 1. Actual sales are expected to top $15 million.

The state has 161 state-run stores and 158 contract stores run by the private sector, typically in rural areas. The board, which also licenses more than 14,000 drinking establishments, chose 20 high-traffic stores for Sunday sales and 38 of the contract stores opted in.

Prentice and her House counterpart, Rep. Helen Sommers, D-Seattle, agreed to allow another 29 stores to offer Sunday sales, starting no later than September. Board spokeswoman Susan Reams said the board has a tentative list and will announce the final selection and the opening date later.

The new budget includes $3.9 million to cover the extra cost, which will be more than repaid in extra revenue generated. The board was directed to report back to the Legislature in 2009 on the effect the extra hours have on overall sales.

Prentice said part of the extra revenue, about $1 million a year, will be earmarked for the courts to provide interpreter services and to assist the Municipal Council with research for ports and special purpose districts.

Gov. Chris Gregoire had suggested continuing the same level, 20 stores, for another two years, while some lawmakers wanted to expand Sunday sales to all stores. Prentice said the compromise was to roughly double the number. The governor is expected to agree to the expansion.

Prentice first raised the idea at a budget preview sponsored by The Associated Press in January. She said she had carefully watched the pilot project and was convinced further expansion would raise needed revenue without causing more alcohol problems.

<http://seattlepi.nwsource.com/local/6420AP_WA_XGR_Liquor.html>



**33.** **Alcohol Density Moves Along (Wisconsin)**

Courtney Johnson *The Badger Herald*

April 20, 2007

Following few changes to the ordinance’s wording, the controversial Alcohol License Density Plan received approval from the Downtown Coordinating Committee Thursday evening in a 7-5 vote.

The current proposal would limit the amount of new liquor licenses available in downtown Madison. Under the proposal, new potential bar owners would be unable to receive a liquor license within the downtown area, unless a bar has occupied the location within the last 120 days.

The proposed ordinance will now head to the Public Safety Review Board, the Business Improvement Committee and the ALRC for approval before going on to the City Council.

The proposal says the ordinance is intended to “maintain or gradually reduce” the number of certain types of liquor licenses downtown. The four police sectors the ordinance targets currently contain 27 percent of all liquor licenses in Madison, which, the ordinance says, is linked to the “high volume of alcohol-related problems” in the area.

“I think what this is doing is making a statement and beginning a process that’s part of the culture change of downtown Madison,” said Patrick McDonnell, a Madison resident who sits on the DCC and voted in favor of the proposal. “I think it’s appropriate for a community to set some limits like this.”

However, some members of the committee had concerns about the effects of a density plan. Thomas Miller, a Madison resident and member of the DCC who voted against the proposal, said this proposal could have unintended negative effects on the city, such as discouraging new responsible businesses from opening.

Miller was also concerned the proposal would not do anything to improve safety downtown, and that there are no standards in place within the ordinance that could be used to judge its success.

“I, as a downtown resident, understand there is a problem to be addressed, and I live two blocks from King Street — I know what’s going on,” Miller said. “There are tools [already] in place to directly focus on problematic applications and problematic business owners without impacting the potential for bringing in positive new business owners.”

Miller also said he does not think this proposal would help in eliminating problem bars from the downtown area.

“If this ordinance were in place, and there were gunshots outside the Majestic, this ordinance would do nothing to prevent that, to aid that situation,” Miller added.

Local bar and restaurant owner Hawk Schenkel, who owns Hawk’s Bar and Grill on State Street, also attended the meeting to speak in opposition to the alcohol density plan.

Schenkel said he understands the city’s desire to make Madison a safe environment, but does not believe this proposal would accomplish that. He also believes the Alcohol License Review Committee already has the ability to regulate the number of alcohol licenses downtown, and does not understand why this ordinance is necessary.

“I’m all for jumping through hoops to get a liquor license — you shouldn’t just hand them out to anybody,” Schenkel said. “We all know … which bars are the problem bars downtown, and there’s only a couple of them — two, three or four of them — that really have serious problems consistently over the years, and so those are the ones that should be gone after.”

City Council President Mike Verveer, District 4, who sits on the DCC and voted in favor of the plan, said he is pleased the proposal passed with the new revisions, such as an annual review of the plan’s effectiveness.

Verveer said he is also happy about the plan’s “exceptional circumstance” provision, which would allow unique businesses such as Laundry 101 or Majestic Theater to secure liquor licenses.

<http://badgerherald.com/news/2007/04/20/alcohol_density_move.php>

