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

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| *August 31, 2007* | |

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**1. NATIONAL NEWS.**

# 1. Alcohol Laws: Should the Drinking Age be Lowered?

*ABC NEWS*

Aug. 27, 2007

As college students usher in the start of a new term with beer pong and keg stands, the nation revisits what's now a fixture of collegiate life: drinking age laws.

An increasing number of college officials are arguing that current drinking laws have failed. Instead of keeping students away from alcohol, they argue, the laws simply drive underage drinking underground and toward unsafe extremes.

Leading the debate for change is John M. McCardell, Jr., president emeritus of Vermont's Middlebury College, who proposes rolling back the legal drinking age from 21 to 18 after granting "drinking licenses" to those who complete an extensive alcohol education program.

McCardell recently founded "Choose Responsibility," a nonprofit organization dedicated to lowering the drinking age and researching the effects of the current law. He says his proposal will "bring alcohol back out into the open, acknowledge that 18-year-olds are adults in the eyes of the law [as they are] in every other respect, and it will reduce the abusive drinking that has become so widespread in the last 20 years."

McCardell said he was tired of facing what he called "two impossible choices" between policing and ignoring drinking on campus. The drinking age law, he contends, has only increased binge drinking by pushing alcohol use into hiding.

And when students drink, increasingly they're turning to hard liquor.

"The pattern of drinking has changed and gotten worse, that's where I agree with [McCardell]," said Dr. David Anderson, director for Advancement of Public Health at George Mason University and an expert on college alcohol use. While he opposes lowering the drinking age, he said "the pattern has gotten more high risk."

Two recent studies by the Centers for Disease Control & Prevention find that underage binge drinkers are turning to hard liquor as their main alcohol source, unlike adults who rely more often on beer. Liquors such as vodka are easy to smuggle in water bottles, and make it easier to get drunk.

But some public health researchers say the data do not support McCardell's claim.

"I don't know where he gets his data from, but I like to base mine on facts," said Dr. Henry Wechsler, a researcher at Harvard School of Public Health, and a leading expert on college binge drinking.

Binge drinking has remained level at 44 percent among college students for 10 years, according to Wechsler's most recent study in 2001. He thinks lowering the drinking age would worsen the problem "like pouring gasoline on a fire."

"It seems that [McCardell] has found that there are leaks in the boat, and that the way to cure it is to knock out the bottom of the boat," he said.

Mothers Against Drunk Driving also opposes lowering the drinking age. The says it believes the change would increase the number of young drinkers getting behind the wheels of their vehicles.

"You'd have a significant increase in crashes [if the drinking age were lowered,]" said Laura Dawson, president of the MADD Northern Virginia Chapter.

This July marked 23 years since Congress passed the 21 Minimum Legal Drinking Age Law with the help of MADD, and Sens. Frank R. Lautenberg, D-N.J, and Elizabeth Dole, R-N.C. Although states have the right to set their own drinking age, under the current law any state that sets it below 21 forfeits 10 percent of its annual highway appropriations. By 1988, all 50 states had enacted the 21-year-old minimum, with Wyoming being the last to raise the drinking age.

To prove the law's success, supporters like MADD point to what they say is an estimated 23,000 lives that the elevated drinking age saved from drunk driving.

The law supports the organization's mantra that "the sooner youth drink the more likely they are to become alcohol dependent and to drive drunk."

However, McCardell disagrees that the drinking age contributes to safe driving.

"The drinking age has little do with [drunk driving]," said McCardell. If that were the case, he has argued, the better solution would be to raise the driving age to 21.

Although the number of drunk-driving fatalities has decreased with the new law, McCardell says these statistics ignore the effects of improvements in seat-belts, airbags, and public information campaigns against drunk driving, highway construction and regulation laws.

While the drinking age is not the only way to save lives, critics still defend its role.

"The number one way to reduce death in drinking and driving is airbags," said George Mason's Anderson. "[But] the drinking age did make a difference. It's part of the puzzle, and I hate to throw out parts of the puzzle."

However, McCardell also highlights the adverse effects of the current law, such as the disenfranchising of parents in the alcohol coming-of-age and the underground fake I.D. business. Youth are no longer introduced to alcohol in a controlled environment, because many states prohibit parents from providing alcohol to their children at home. Instead, many law-abiding students must first encounter alcohol at college parties.

McCardell proposes lifting the cap for states that lower the drinking age while pursuing pilot alcohol education programs, as long as the states keep drunk driving rates down.

Some young people believe alcohol education classes might encourage responsible drinking among college students.

"It would be giving an indication that they're given a seat at the table," said Zack Yost, a senior at University of Michigan and president of the Michigan Student Assembly. "I think that students might find it empowering."

But public health professionals predict dangerous consequences will accompany lifting the law.

"If you make alcohol available to 18-year-olds, you have to think of the consequences of your actions," Wechsler said. "You're bringing it into high schools."

An industry-wide effort to sell alcohol to younger people would likely follow the change. But most importantly, "we're going to have the same increase in deaths as we had before, about 800 or more," Wechsler said.

Scientists also fear the effect on the brain, which does not complete development until the mid-20s. Others bemoan missing the chance to address the emotional, social, cognitive and physical reasons students drink heavily.

"It's jumping at a simple solution to a complex problem," Anderson said. "It's like a doctor giving a pill to someone with depression."

Implicit in McCardell's plan is a recognition that 18 to 20 year olds will drink, regardless of the law.

"Alcohol remains real in the lives of 18, 19 and 20 year-olds, but it is present not in open but behind closed doors" McCardell said.

Although many students agree that alcohol is intrinsic to campus social life, some dispute the ill effects of allowing their under-21 peers to drink legally.

"I think that [drinking] would increase, but not that much; because no matter what age, we can get alcohol," said Rick Stern, a senior at the University of Maryland who opposes changing the drinking age.

Other students think lowering the drinking age would encourage safer drinking.

"[Students] probably wouldn't be as irresponsible," said Steve Kennedy, a recent graduate from Providence College. "They probably wouldn't feel they have to binge drink when they pre-game."

But students do not seem to be clamoring to claim their drinking privileges at 18, despite McCardell's resurrection of the old argument, "If you're old enough to die for your country, you're old enough to drink." In fact, students seem surprisingly apathetic, if not divided, over lowering the drinking age.

A 2005 ABC News poll, taken on the 21st anniversary of the legal drinking limit found that even among young adults aged 34 and under, 73 percent opposed lowering the drinking age. The public at large seems to agree, with 80 percent of those 35 and up supporting legal age 21.

After all, drinking is not protected by the Constitution.

"There's no inherent right to consume alcohol at 18," Wechsler said. "Young people are prevented from doing other things other than drinking," such as running for a seat in Congress.

He added, "If young people are allowed to die in war, they should also be allowed to die on the road?"

**2. WSWA Petitions Supreme Court to Retain State Control Over Alcohol Sales**

*WSWA*

Aug. 24th, 2007

Washington, D.C. (August 24, 2007)-The Wine and Spirits Wholesalers of America, Inc. (WSWA) this week asked the U.S. Supreme Court to keep controls over alcohol sales and delivery within the realm of state regulatory powers, rather than cede constitutionally granted state authority to the federal government.

"The states have a strong and legitimate interest in enacting and enforcing laws that restrict underage access to alcohol," WSWA stated in a "friend-of-the-court" legal brief. "It is the states that have primary responsibility for combating underage drinking, as reflected in the Twenty-First Amendment, congressional enactments, and prior decisions of this Court."

The case in question involves a challenge by carriers to the Tobacco Delivery Law enacted by Maine in 2003, which requires tobacco sellers to verify the age and identity of the purchaser when delivering their product by carrier.

WSWA elected to file a brief in the case because of possible ramifications for state regulation of carrier delivery of beverage alcohol to consumers. Laws on the books in other states aimed at alcohol delivery are worded similarly to the Maine tobacco statute.

WSWA'S brief attempts to head off a possible finding by the Supreme Court that those state laws are collectively preempted by federal statute-a ruling, the organization argues, that would have dire consequences for a state's ability to regulate alcohol sales on their own.

"The primacy of the states in combating the abuse of alcohol generally, and underage access to alcohol specifically, is rooted in Section 2 of the Twenty-First Amendment," the brief states. "In sum, state regulation of the delivery of alcoholic beverages has a unique status under the Constitution, federal statutory law, and this Court's decisions."

In making its argument, WSWA cites a large body of data from numerous sources, including the National Academy of Sciences (NAS), polling conducted by Teen Research Unlimited (TRU) and documented stings illustrating the dangers of alcohol delivery via mail. All such information is available on the organization's Web site, wswa.org.

The brief also cites the Supreme Court's own decision in Granholm v. Heald acknowledging states' interest in enforcing their own laws against underage access and consumption, as well as the STOP ACT, passed in 2006, in which Congress legislatively affirmed the primacy of state power in such matters.

Said WSWA President and CEO Craig Wolf: "WSWA opposes direct interstate sales of alcohol to consumers because there is no credible way to verify the age of the purchaser through an anonymous online sale, and because carriers have repeatedly failed to ensure that deliveries to minors are prevented. However, states that do permit such sales should retain the power to regulate carriers and hold them accountable when alcohol deliveries to minors inevitably do occur."

Wolf added, "Should the Supreme Court ultimately limit a state's ability to regulate carrier delivery of alcohol, every state that has permitted such direct sales will need to reassess the wisdom of allowing such sales without any ability to control them."

**3. Diageo Chief Urged to Reveal the Absolute Truth about Bid Plans**

William Lyons

*The Scotsman*

Aug 26th

DIAGEO chief executive Paul Walsh is expected to be quizzed on his plans for a proposed bid for Absolute, the vodka brand owned by Swedish drinks group Vin & Sprit, when he delivers full-year results this week.

The world's biggest spirits company, which also has J&B whisky and Guinness in its portfolio, is likely to outline its strategy on how the group plans to grow from acquisitions.

Walsh has already confirmed his intention to enter the bidding for Absolute, the coveted vodka brand that is being chased by Pernod Ricard, Bacardi and Fortune Brands.

It is understood the auction for Absolute will see the successful bidder paying upwards of £5.5bn, as it sells almost 10 million cases worldwide and captures more than 10% of the North American vodka market.

"Diageo needs to accelerate its organic operating profit growth," said US brokerage Morgan Stanley. "Given its significant balance sheet capacity, combined with the ownership of an international distribution network and its proven integration skills, the group is well placed to make acquisitions."

There will also be strong interest in Guinness, following persistent rumors that Walsh is considering selling the brand. In June, Diageo announced it was considering a review of the brand which could result in the closure of its famous brewery at St James's Gate, on the banks of the Liffey in Dublin and moving to a new site outside the city. Volume in Europe is down 7% in the six months to the end of December.

Improved top-line growth in Europe, a strong performance in Russia and the continued strength of its Scotch whisky brands are powering the growth of the company.

Full-year figures of organic operating profits are expected to come in at around 2.11bn. Investors will also be hoping for an update on trading, given reports that this market has slowed in recent months. The weakness of the dollar is also expected to have impacted profits by about £90m in 2006-07.

At the pre-exceptional pre-tax level, analysts are forecasting profits of about 2.5bn to 2.6bn for the year to end-June 2007. This would compare with a reported figure of 1.99bn last time.

Diageo India is planning to launch a global whisky brand in the Indian market. This will be the second product, after the success of the Masterstroke brand, from the joint venture Diageo-Khaitan.

**4. Energy Booze Ad Attack Hits Marketers in Wallet**

*Ad Age*

August 27, 2007

There's a key difference between last week's move by state attorneys general to go after purveyors of alcoholic energy drinks and the move by the same group earlier this year to take Anheuser-Busch to task over age verification on its online TV network: This one has teeth.

While the Attorneys General's quixotic-to-date campaign against Bud.TV's age verification (the most stringent on any alcohol website) hasn't led to the slightest change there, a letter the AG's sent to the Alcohol and Tobacco Tax and Trade Bureau could wind up making a much greater impact by walloping alcoholic energy-drink makers right in the pocketbook.

The AGs not only asked the agency to investigate misleading marketing claims that alcoholic energy drinks boost stamina or energy, but -- in a largely overlooked aside -- the AGs also asked the bureau to explore whether the beverages ought to be taxed as distilled spirits and not malt-based beverages. Typically, malt beverages are taxed at less than half the rate of distilled spirits, and in some states the spread is considerably wider. In California, for instance, the excise tax on malt beverages is about 20¢ a gallon; the same tax on liquor is $3.30 a gallon.

Because most alcoholic energy drinks and other flavored-malt beverages are generally sold at convenience and grocery stores, the price increase associated with that sort of taxation shift could be catastrophic to sales of the products, which is, of course, what the AGs and alcohol-industry watchdogs are hoping for.

"There are two things that drive underage drinking: price and accessibility," said Michele Simon, research and policy director at the Marin Institute, a watchdog group that has long lobbied for a crackdown on flavored malt beverages, which it derisively dubs "alcopops." "This is a way to address both." Groups like Marin and the AGs argue that all flavored malt beverages, but alcoholic energy drinks in particular, target youth by mimicking the flavors and characteristics of nonalcoholic drinks that have become increasingly popular with teens.

The AGs, in their letter, singled out Miller Brewing's Sparks and A-B's Bud Extra, as well as a third company, Charge Beverages, for having "taken advantage of the youth appeal by engaging in aggressive marketing campaigns ... [that] claim that such beverages increase a person's stamina or energy level. However, they do not mention the potentially severe, adverse consequences of mixing caffeine with alcohol."

Sparks, the AGs argued, employs an "advertising scheme" focused on "providing energy," including cans design to resemble batteries. And Bud Extra, the letter said, used slogans such as "Who's up for staying out all night?"

In statements, both A-B and Miller denied that their alcoholic energy beverages are marketed to youth, and said that both meet the current standard to be taxed as a malt beverage.

**5. Tobacco Giant to Spin off Philip Morris International**

*Bloomberg News*

August 30, 2007

**Altria Group, which sells 50 percent of all cigarettes in the United States, plans to spin off Philip Morris International but keep US operations.**

NEW YORK -- [Altria Group](http://boston.stockgroup.com/sn_overview.asp?symbol=MO) Inc., the world's largest tobacco company, plans to spin off Philip Morris International after being pressured by investors who want faster overseas growth and less risk from US smokers' lawsuits.

A final decision on the timing will be disclosed at a board meeting Jan. 30, Altria said yesterday. The company also boosted its dividend 8.7 percent to 75 cents a share.

A spin off would complete the breakup of the former Philip Morris Cos., which traces its roots back to a London tobacconist in 1847, and leave it with the US cigarette operations. Chief executive Louis Camilleri in March spun off Altria's 89 percent stake in [Kraft Foods Inc.](http://boston.stockgroup.com/sn_overview.asp?symbol=KFT), the world's second-largest food company.

"Ultimately it is the right move," said Thomas Russo, a partner at Gardner Russo & Gardner in Lancaster, Pa. He expects the international and US companies to initiate a "generous share buyback program and pay a substantial dividend."

Camilleri, 52, would take over as chairman and CEO of Switzerland-based Philip Morris International. Michael Szymanczyk chief of Philip Morris USA, would become Altria's chairman and CEO.

"The opportunity here is to enhance our growth rate," Camilleri told analysts on a conference call. Altria also has a stake in brewer SABMiller PLC.

A separation of the two units will allow for savings of at least $250 million, including the closure of Altria's New York headquarters, Camilleri said.

About two-thirds of Altria's 600 New York jobs will be cut, he said. Some employees will be offered transfers to the Richmond headquarters of Philip Morris USA.

The US unit, which accounts for one of every two cigarettes sold in the United States, is dwarfed by Philip Morris International. The overseas division accounts for two-thirds of profit and three-fourths of revenue, and its shipments are rising while US volumes decline.

The decision on the spinoff will be based on several factors, including a tax ruling from the Internal Revenue Service and the execution of several intercompany agreements, the cigarette maker said.

Camilleri bowed to shareholders who favored the separation of Altria's international unit from legal risk and falling cigarette consumption in the United States.

**6. United Spirits to Enter Mid-Priced Segment Liquor**

Aug. 29, 2007

MUMBAI: The world's third largest spirits company, United Spirits Ltd, has plans to enter the mid-priced segment within a year, a top company official said.

"We are working on an internal brand for the regular section and it will be priced between Rs 300 to Rs 350," United Spirits Ltd's Assistant Vice President, Debashish Sham, told reporters here today.

He said consumption trends were changing and the consumption of vodka is growing at 35 to 40 per cent in India, he added.

"The metros are already saturated and we will be focusing more in Tier II cities as the consumption of liquor is increasing with the changing trends," he said.

"North is the largest market for the company followed by the west, south and east," Sham said.

The company has enhanced the pack appeal with a new logo and today signed Zayed Khan as the brand ambassador for its vodka brand, White Mischief.

Khan will feature in the new advertising campaign for White Mischief.

All the old bottles would be replaced with the new package while the price would remain the same, he said.

The company was commanding a 44 per cent market share and has registered a 31 per cent growth for the fiscal year ending March 2007, he said.

In the regular vodka category, the company has a 90 per cent share and in the premium category, a 10 per cent share, he added.

**II. IOWA NEWS.**

**7. Police Officer Kills Man who Shot Three Others**

*NIGEL DUARA*  
August 26, 2007

An undercover Des Moines police officer early this morning shot and killed a man at a northeast side bar after the man had shot three other people.   
  
Police said Christopher L. Byrd, 23, was in a fight inside Hoppers, 2515 Wedgewood Road, before the shooting.   
  
The undercover officer, Sgt. Wade Wojewoda, was monitoring the bar after a fight there at about 1 a.m., said Des Moines police spokesman Sgt. Todd Dykstra. Wojewoda returned to the bar’s parking lot at about 2 a.m. when he heard gunshots.  
  
Byrd shot two people on the west side of the building before Wojewoda arrived at the scene, Dykstra said. Wojewoda then saw Byrd shoot a third person on the south side of the building.  
  
Dykstra said Wojewoda’s emergency lights were flashing when he drove into Hoppers’ parking lot in his unmarked vehicle. Wojewoda, who was in plain clothes, “yelled commands” at Byrd to drop his weapon, Dykstra said.   
  
“Mr. Byrd then focused his attention on Sgt. Wojewoda and pointed his gun at Sgt. Wojewoda,” Dykstra said.   
  
Wojewoda fired one shot at Byrd, killing him.   
  
Dykstra did not say whether the fight at about 1 a.m. was related to the shootings an hour later.   
  
The three people shot, two men and a woman, were taken to local hospitals with non-life-threatening injuries, Dykstra said.   
  
Tiffany Hernandez, 25, Christopher Collett, 28, and Rickson George, 29, were all treated at local hospitals, Dykstra said.   
  
Dykstra said two of the people shot were not Byrd’s intended targets, but did not specify which of the victims he was after.   
  
In January 2004, police and city leaders said they were considering taking action against Hoppers after a 32-year-old Des Moines man was found stabbed in the stomach outside the bar.   
  
Wojewoda graduated from the Des Moines Police Department academy in 1992.   
  
He was injured while working off-duty in 1993 at JukeBox Saturday Night when a fight broke out and he was slashed in the arm with a broken beer bottle.

# 8. Shootings Trouble D.M. Bar Owner

Tom Alex

*Des Moines Register*

Aug. 28, 2007

The owner of Hopper's bar, where three patrons were shot and a police officer killed the alleged gunman early Sunday, is having trouble talking about happened.  
  
"I've got three of my customers in the hospital, there is another one who is dead, and a police officer who had to shoot someone," Sandy Oppenheim, 66, said Monday morning.  
  
Oppenheim has worked at the bar for nearly 30 years and has owned it for the past few years.  
  
"I don't know if they are going to close me down or what they are going to do. I guess all I can say is that it upsets me that it happened," she said, wiping a tear from her face.  
  
"The whole thing stemmed from stupid stuff," she said.  
  
Des Moines police said Christopher Lee Byrd, 23, got into a tiff with Christopher Collett, 28, that involved pushing or shoving on the bar's dance floor .  
  
Later, about closing time, officials said Byrd apparently was trying to shoot Collett outside the bar. In addition to shooting Collett, he shot Tiffany Hernandez, 25, and Rickson George, 29.  
  
George was listed in fair condition at Mercy Medical Center in Des Moines. Collett was treated and released. Hernandez's condition was not reported. Officials said none of the three appeared to have life-threatening injuries.  
  
Police Sgt. Wade Wojewoda, a member of the department's team to fight neighborhood violence, was called to the bar at 2515 Wedgewood Road because a fight was reported. The fight was over by the time he arrived, but Wojewoda remained in a nearby parking lot to monitor activity.  
  
Wojewoda watched as the crowd grew outside the bar, and then he heard shots. Police said he notified dispatchers, then activated his emergency lights and drove into the bar's parking lot. Several patrons told him the person shooting the gun was on the south side of the building.  
  
Police Sgt. Todd Dykstra said Wojewoda went to the south side with his gun drawn. He saw Byrd shoot a man standing next to the building.  
  
Wojewoda yelled commands to Byrd, police said. Byrd pointed his gun at the officer, and Wojewoda fired a single shot and that struck and killed Byrd.  
  
Oppenheim's neighbors say they're fed up with problems they believe are related to the bar.  
  
"This is a beautiful, well-kept neighborhood, and it's too bad the neighbors have to put up with all this crap," said Bill Horstman, who owns Horstman Realtors and the building just west of the bar with his wife, Eva.  
  
"It's been getting worse as time goes on. We put up with broken beer bottles. We've even found syringes, abandoned cars. We had a trailer stolen once," he said.  
  
"But we're not here at night. I don't think you'd want to be here after about 10 p.m. Some of the people in the neighborhood have had people coming up to their windows late at night."  
  
Tony Matalone, who lives behind the bar, has had people drive across his property, damaging his planters and his fence.  
  
"They throw beer bottles in the yard, and on Friday and Saturday nights, you can just forget about getting to sleep or staying asleep at closing time. All the noise from the cars and motorcycles racing around," he said.  
  
Dykstra said police officers have been called to the bar 30 times so far this year. Eight of those calls involved fights. Two involved shootings, including the call early Sunday.  
  
Dykstra said police can check to see whether the bar has had multiple crimes or violations, or whether it is in violation of the city's nuisance ordinance.  
  
The bar's parking lot, however, is not part of the licensed premises.  
  
Des Moines City Councilman Robert Mahaffey, who represents the east side, said Sunday that the bar is detrimental to the area and that he would pursue pulling its liquor license.  
  
Oppenheim said, "A lot of east-siders respect this bar and they don't cause any problems. I don't know if they are going to try and close me down or what they are going to do. I'm not sure right now if I'm up for a fight to stay open. I have to calm down first and think about everything."  
  
She said the bar has been the target of some neighborhood ire over the years.  
  
"I don't blame the neighbors for being upset. If I was them I'd probably be mad, too," she said.  
  
"But I do all that I can, and I don't know what else to do."

# 9. DM councilman: Bar should lose license

Nigel Duara

*Des Moines Register*

August 27, 2007

A bar noted for its violent past is under scrutiny again after a shootout in its parking lot early Sunday morning left three people injured and the gunman dead.  
  
Undercover Police Sgt. Wade Wojewoda shot and killed Christopher L. Byrd, 23, of Des Moines, after Byrd shot three people in the parking lot of Hopper's, 2515 Wedgewood Road, officials said.  
  
About an hour earlier, Wojewoda had responded to a fight in the bar's parking lot, police spokesman Sgt. Todd Dykstra said.  
  
It is the second fatal police shooting this year. It is also another brutal incident at the bar in the last eight years.  
  
Des Moines City Councilman Robert Mahaffey, who represents the east side, said he would work to pull the bar's liquor license after he talks with police and reads the report about the shooting.  
  
"Certainly it's detrimental to the area," Mahaffey said. "I will pursue pulling the liquor license."  
  
Mahaffey said residents who live near the bar have expressed concerns to him about fights, rowdy patrons, loud noise and broken beer bottles near the site.  
  
"They've been uncomfortable with what's happening at Hopper's," Mahaffey said.  
  
Dykstra said east-side officers are familiar with residents' complaints about the bar, but the establishment's future lies with city officials, not the police.  
  
The bar's liquor license belongs to Sandra Oppenheim of Des Moines, according to Iowa Alcoholic Beverages Division records. The license was renewed in February 2007 and is valid until February 2008. Oppenheim could not be reached for comment Sunday.  
  
Sunday's incident was the second police-involved shooting in Des Moines this year. In April, Des Moines police Officer Ben Ihde shot and killed David Stehl after Stehl advanced on Ihde with two shards of glass.  
  
Officials said Ihde fired on Stehl to protect himself. The shooting was ruled a justifiable homicide by a grand jury in June.  
  
Also this year, another Des Moines man was killed in a shooting near a bar. Dennis Stigler, 37, was shot and killed near what was then called Double Deuce Bar, 2222 Forest Ave.  
  
Dykstra did not say whether the earlier fight Wojewoda responded to was related to the shootings. Before Wojewoda arrived at Hopper's, Byrd had shot two people on the west side of the building, Dykstra said. Wojewoda saw Byrd shoot a third person on the south side of the building, he said.  
  
Dykstra said Wojewoda's emergency lights were flashing when he drove into the Hopper's parking lot in his unmarked vehicle. Wojewoda, who was in plain clothes, "yelled commands" at Byrd to drop his weapon, Dykstra said.  
  
"Mr. Byrd then focused his attention on Sgt. Wojewoda and pointed his gun at Sgt. Wojewoda," Dykstra said.  
  
Wojewoda fired one shot at Byrd, killing him.  
  
Police said the three other s shot in the incident did not suffer life-threatening injuries:  
  
- Rickson George was in stable condition in Mercy Medical Center's intensive care unit on Sunday afternoon.  
  
- Christopher Collett, 28, was treated at Mercy and released.  
  
- The condition of Tiffany Hernandez, 25, was unavailable Sunday afternoon.  
  
Dykstra said two of the people shot were not Byrd's intended targets. He did not specify which of the victims Byrd was after or why.  
  
Wojewoda was placed on administrative leave, as is standard procedure, until an investigation by the police department and the state Division of Criminal Investigation is complete.  
  
Hopper's, which has gone by several names, has experienced a violent eight years.  
  
In May 1999, Lawrence Hardwood was stabbed in the chest and died after attempting to intervene in a fight outside the bar, then called Hard Times Again. Another man was injured in the brawl.  
  
In December 2000, a 29-year-old woman told police she was abducted from the bar's dance floor and held against her will by a former boyfriend.  
  
In January 2002, a 27-year-old woman was stabbed three times at the bar but survived. In December of that year, two men and a woman said they were hit, kicked and punched outside the bar, which by that time had become known as Hopper's.  
  
After a 32-year-old Des Moines man was found stabbed in the stomach in a parking lot adjacent to the bar in January 2004, police and city leaders considered taking action. Records do not show whether the bar ever lost its license.  
  
Byrd's criminal history stretched back to his days as a juvenile. In 2001, he pleaded guilty of drug possession in Polk County, and in 2003 he pleaded guilty of unlawful possession of a firearm and drug possession in Dallas County.  
  
Wojewoda, supervisor of the recently created Neighborhood Enforcement Strike Team, graduated from the Des Moines Police Department academy in 1992.  
  
Dykstra said Wojewoda is "doing as well as can be expected" after the shooting. "We'll all get through it together."

**10. Sheriff’s Office partners with Iowa ABD to fight tobacco use**

*Des Moines Register*

August 29, 2007

The Jasper County Sheriff’s Office has taken a pledge — the Iowa Pledge — to keep tobacco out of the hands of Jasper County youth.  
  
The Iowa Pledge is a partnership with the Iowa Alcoholic Beverages Division to educate local retailers and to enforce Iowa’s tobacco laws. The Iowa Pledge program has helped increase statewide tobacco compliance by 22 percent since it began in 2000. By partnering with the Iowa ABD, the sheriff’s office will look to do its part in continuing the upward trend.

Throughout the upcoming year, the sheriff’s office will be offering free monthly Iowa Pledge Retailer Certification Classes to local tobacco retailers where clerks will have an opportunity to learn the fundamentals of Iowa’s tobacco laws, as well as how to calculate a customer’s age and effectively refuse illegal sales.  
  
“The Iowa Pledge Retailer Certification Classes are a great way for clerks to prepare themselves to refuse illegal tobacco sales,” Jasper County Sheriff Mike Balmer said. “The classes will help retailers maintain a compliant and responsible establishment.”  
  
Clerks who successfully complete an online exam will be Iowa Pledge certified, and the retail establishment will receive an affirmative defense against a civil penalty if the certified clerk makes an illegal sale.

Also as part of the Iowa Pledge program, deputies will conduct compliance checks on local establishments. Underage customers under the supervision of law enforcement officers will enter establishments and attempt to buy tobacco products. Clerks who make the illegal sales will be cited on the spot.  
  
Criminal penalties for selling tobacco to a minor include a $100 fine for the first offense, a $250 fine for the second offense and a $500 fine for third and subsequent offenses. Handing out citations, however, is not the intent of the Iowa Pledge program, Balmer said.  
  
“By partnering with the Iowa Alcoholic Beverage Division, we hope to educate clerks and maintain a compliant retail environment in our community,” he said. “Moreover, we pledge to help keep tobacco out of the hands of Iowa’s youth.”

**11. UI must work to curb alcohol abuse, 'party school' image**

*Daily Iowan Editorial Board*

August 28, 2007

Major universities pride themselves on the national rankings of their top programs, but an annual Princeton Review study that determines America's best party schools is hardly an honor for university officials nationwide. The UI has ranked among the top-10 party schools in the country the last two yeas, but according to this year's study, the UI has slipped into 12th place.  
  
The ongoing debate regarding the 21-ordinance in Iowa City has overshadowed the UI's various other accomplishments. This summer, the Iowa City City Council decided to send the proposed measure to voters, who will have the opportunity to voice their opinions at the ballot box in November. While returning students and incoming freshmen will certainly be inundated by on-campus organizations urging UI students to oppose the measure, all UI students should be reminded that this university has more to offer than an expansive network of bars and liquor stores.  
  
The newest Princeton Review rankings confirm what many students and community leaders already know: There are numerous alcohol-free events available at the UI, and perhaps these new rankings mirror their increasing popularity and accessibility. Night Games at the Field House - generally held on Friday nights at least once a month - is a prime example of such activities; the event offers both UI students and the Iowa City community an opportunity to partake in various sporting and recreational events until the early morning hours. More important is the event's success at offering every UI student - underage or otherwise - a healthy substitute to alcohol.  
  
The focus on Iowa City's nightlife has also distracted individuals from recognizing and appreciating the UI's countless academic successes. In the most recent U.S. News & World Report list of best colleges, the UI ranks 24th among public universities nationwide and offers four top-ranked programs, including creative writing and master's programs in nursing-service administration, speech-language pathology, and its physician's assistant program. These achievements confirm the UI's commitment to academic excellence, and every UI student should be applauded for their part in the effort.  
  
While the dangers of irresponsible alcohol consumption at our university is a valid concern that worries both the Iowa City community and this Editorial Board, removing underage students from visiting downtown bars is not a logical step forward. The University of Wisconsin, our Big Ten neighbor, ranks eighth in a list of best public universities, yet its infamous house-party scene is a major contributor to its title of biggest beer-consumption university in the country.   
  
Until students have more late-night options than Iowa City has bars, drinking will remain a common recreational activity. We hope that the latest Princeton Review study is a sign that a positive change has already begun.

**12. Keg Law not Slowing Sales**

Carla Keppler

*The Daily Iowan*

August 27, 2007

Even with the statewide keg-registration policy, local beer vendors say their keg sales haven't declined, and some have reported an increase in sales.  
  
Beginning July 1, kegs purchased in Iowa must be registered at the retailer where they are purchased. Vendors record the buyer's name, address, and drivers' license number and pair it with the identification number stickered to the keg. The files are kept for at least 90 days and made available to law-enforcement officials upon request.  
  
Darin Aisenbrey, the manager of Liquor Downtown, 315 S. Gilbert St., said the keg registration law "is something people really need to know about because if a minor wanders into a keg party, whoever registered the keg is liable."  
  
Iowa City police Sgt. Troy Kelsay said he wouldn't expect the law to negatively affect sales at local establishments as long as they continue using legitimate sales.  
  
The policy is being used to hold people accountable for providing alcohol to minors, not to reduce the number of keg parties, Kelsay said.  
  
City records show no significant changes in these charges.  
  
Aisenbrey said that although the backers of the law probably had good intentions, the measure is probably executed in the wrong way. He worries that people will turn to hard alcohol in place of kegs to avoid the registration. The higher alcohol content is much more dangerous because people aren't as familiar with it, he said.  
  
At this point, the registration hasn't deterred people from buying kegs, Aisenbrey said, but he can tell that customers at least think about the possible implications after he educates them on the new process. Until people start getting caught and fined, he said, there probably won't be much worry.  
  
Jeremy Harrod, who works at the Liquor House, 425 S. Gilbert St., said he had thought the new law would make people more hesitant about buying kegs, but it hasn't.  
  
The Liquor House put a special into place when the registration policy went into effect. The establishment now offers seven cases of beer, the equivalent of a keg, for the same price as a keg. But despite the new special and recently implemented regulations, keg sales remained steady in July and increased 15 percent in August compared with the past two years.  
  
Doug Alberhasky, the manger of John's Grocery, 401 E. Market St., another local keg retailer, said John's has also been selling more kegs since July 1.   
  
"When you look at the process we were doing before, basically we were doing everything except using the stickers," he said, which made for a "very seamless transition" that hasn't hurt sales.

Six Iowa City businesses failed alcohol compliance checks that were conducted Thursday night into Friday morning.

Working with plainclothes Iowa City police officers, underage youths entered businesses and attempted to illegally purchase alcoholic beverages.

**13.** **Area Businesses Fail Alcohol Compliance Checks**

*Press Citizen*

August 25, 2007

Six businesses checked failed to comply with the law and sold to the underage buyers. Each offending employee was charged and released for selling/providing an alcoholic beverage -- beer -- to an underage person. The fine, plus costs, is $710.

The following establishments & employees failed: Suburban BP on Keokuk Street, Antoine Dontae Jones; Farra's Nightclub, Johnny G. Zambrano-Ruiz; Hy-Vee on Waterfront Drive, Tynan Jay Thompson; Deli-Mart on East Benton Street, Jeff Duane Bloomberg; Deli-Mart on Highway 1 West, Ryan Paul Zimmerman; and Picador, Anne Elizabeth Marsh.

Eighteen other businesses also were checked and refused to sell to the minors. The businesses that passed were Sports Column, The Que, Donnelly's Pub, College St. Billiard Club, The Fieldhouse, Morgan's in the Sheraton Hotel, Gasby's (S. Gilbert Street), Union Bar, David's Place, Vito's, 808, The Airliner, One-Eyed Jakes, Summit Bar, Old Capitol Brew Works, Fitzpatrick's, ETC Bar and Studio 13.

**14. Nudity and gambling charges leveled against bar**

Bob Link

*Mason City Globe Gazette*

August 25, 2007

MASON CITY — Operators of a Mason City bar recently denied a zoning variance that would have allowed it to become a “gentlemen’s club,” have been cited for conducting illegal gambling and allowing female nudity.  
  
Vibrations Lounge, 20837 Osprey Ave., allegedly was  the site of a private party on July 21 that featured an illegal gambling raffle and female nudity.  
  
According to the Cerro Gordo County Sheriff’s Department, the alleged offenses are prohibited under alcoholic beverage control laws in the Iowa Code.  
  
Jason M. Berding, 31, owner of the bar, was charged with allowing the illegal gambling to occur and an employee, Angela Kramer, 36, was charged with two counts — one for allowing gambling and another for allowing nudity.  
  
Cerro Gordo County Sheriff Kevin Pals said undercover agents observed and video-recorded several females who were allowed to disrobe and expose their breasts.  
  
Both Berding and Kramer were charged on Thursday, processed at the Cerro Gordo County Jail and released to appear in court.  
  
The charges are simple misdemeanors punishable by maximum penalties of 30 days in jail and fines between $50 and $500.  
  
The Iowa Division of Criminal Investigation and the Iowa State Patrol assisted the Sheriff’s Department in investigating the July 21 event.  
  
In June, Berding asked the Cerro Gordo Planning and Zoning Board of Adjustment for a variance so his brother could operate a juice bar at the Vibrations site.  
  
The bar would not have sold alcohol but would have featured female dancers in various stages of nudity.  
  
A county ordinance forbids operation of a sexually-oriented business within 1,000 feet of a residential district, church or playground.  
  
The board said there was no reason for the variance and denied the request.

**15. Program Aims to Reduce Underage Drinking**

*Mt. Vernon Lisbon Sun*

August 30, 2007

With a background in teaching, Terese Jurgensen knows that the right attitudes can change lives. She’s working to help the Mount Vernon School District and the entire community do just that by reducing social and commercial access to alcohol for minors.

Jurgensen is the administrator of a three-year grant program the Mount Vernon, Springville, Center Point-Urbana and Central City school districts are receiving from the federal government this school year. The $361,000 a year in funding provides the local district with the right staff and training to reduce underage drinking, as well as the use of illegal drugs.

“This is the real deal,” Jurgensen said, referring to the fact that the program implemented through the grant is research-based with proven results.

Mount Vernon schools superintendent Jeff Schwiebert said the funds are a result of the No Child Left Behind Act, in which the federal government pushed for accountability in all areas of education.

What will take place in Mount Vernon, he said, “has research behind it. That’s why we have to have the resources and training…to be able to follow research-based techniques.”

Jurgensen is employed by the Area Substance Abuse Council as the administrator for the four school districts.

“I’m like the quarterback of the football team,” she said, adding that it’s her job to make sure the program’s pieces fall into place.

A resident of Manchester, Jurgensen is a certified teacher with experience in changing lives. In Michigan, she developed an alternative high school, going door to door to get drop-outs back in school.

Her premise: “Each kid has a purpose…we just have to figure out what it is.”

She understands that alcohol use among youth is a significant problem in this country, pointing out it’s the leading cause of teenage death due to accidents, homicides and suicides.

Iowa has a particular issue. This state is in the top 10 in the country in terms of alcohol use and in the top four among all states when it comes to binge drinking among those ages 12-17. Jurgensen’s stats show that in 2001, underage drinking cost Iowa $635 million.

She points out that brains are “like a zipper,” developing over the course of time from near the back of the neck to the front, which isn’t fully developed until around age 20. That’s the piece of the brain that handles reasoning.

“They don’t think like we do,” she said of teens. “Their brains don’t work the same way adults’ brains do.”

The way teens think, coupled with the statistics on underage drinking and its effects, shows the need for a program to help combat the problem, Jurgensen said.

“I think you have a community that cares – that’s not naive,” she said of Mount Vernon’s desire to tackle the issue.

“I don’t think we’re ever going to win by only saying, ‘Don’t do it. Just say no,’ ” Schwiebert said.

The first step toward change involves Jurgensen and her team working with the Mount Vernon School District on the implementation of four programs:

• Life Skills Training for sixth through eighth graders.

• Program Toward No Drug Abuse for ninth graders.

• A Reconnecting Youth course for some ninth through 11th graders.

• A Leadership Resiliency Program for a group of high schoolers.

The first two programs are for all students in those grades, and will be integrated into current health-related curriculums.

Jurgensen and her team will help teachers with instruction, and teachers will receive training on how to do it as well.

A key component of the program, said Schwiebert, is assessment. Students involved, with parental permission, will take a pre- and post-test to help determine the work’s effectiveness.

Additionally, Schwiebert said this year’s ninth, 10th and 11th graders will be asked to participate in the Iowa Youth Survey. Three years from now, it will be conducted again. The survey gets to teens’ attitudes and experiences regarding substance abuse and violence, and perceptions of their peer, family, school and community environments. Schwiebert said results will further help the school district evaluate the use of grant funds.

A major component of the work is a Communities Mobilizing for Change on Alcohol (CMCA) group.

Oct. 17 and 18, day-long training will be held for community members representing a variety of areas – parents, community groups, law enforcement, school personnel, faith organizations, businesses and students.

That group’s efforts, Jurgensen said, will “wrap around the school” district and its programs’ missions.

“We’re not just going to talk about it – it’s about action,” Jurgensen said of the group’s work.

She said it could involve a number of activities. Some communities, for instance, have held alcohol-free activities for youth after Friday night football games. Others have worked to change bar ordinances.

Schwiebert said the community component is “the biggie” to helping change attitudes about alcohol.

“We learn behaviors from parents and adults around us,” he said. “Sometimes by our lack of saying something, we give kids the message that what they’re doing is okay.”

Part of the grant is also paying for a certified, licensed counselor to be at the school once a week.

“It’s another person to turn to,” Jurgensen said.

Already, Schwiebert said the school district staff is energized by such change.

“They are happy to have some people on the ground level to help us – some expertise,” he said.

Since the four school districts have received the funding, the program has been called the “American Gothic Project.”

Jurgensen said that will change with the help of students. Sixth graders in all four districts will be asked to come up with a logo and name; locally, Bridge Community Bank has donated a prize for the contest.

“This is all about kids,” Jurgensen said.

**III. OTHER STATE NEWS.**

**16. New Law ups Stakes for 1st DUI**

Monique Garcia

*Chicago Tribune*

August 24, 2007

First time drunken-driving offenders now will have to pass a breath test every time they get behind the wheel, under legislation signed into law Friday.  
  
The measure, among the strictest in the nation, would require an estimated 30,000 first-time offenders whose licenses have been suspended to blow into devices that measure blood-alcohol content. If alcohol is detected, the car will not start.  
  
Known as breath alcohol ignition interlock devices, the gadgets also would test drivers periodically while the car is running.

"This is really a more humane punishment for DUI offenders," said Stephen Carr, director of Mothers Against Drunk Driving of Illinois. "In the past, DUI offenders have had their licenses suspended or revoked, which doesn't allow them to make a living or go to work. This would prevent [drunken] driving while allowing offenders to be contributing members of society."  
  
Illinois is the fourth state to require the devices for first-time offenders, after New Mexico, Arizona and Louisiana, according to the National Conference of State Legislatures.  
  
One of the bill's sponsors, state Sen. John Cullerton (D-Chicago), said the Illinois law will be the most stringent because test results will be monitored by the secretary of state's office.  
  
Those who test positive for alcohol or try to disable the system could face additional punishment.  
  
In 2006, Illinois recorded almost 500 deaths from alcohol-related crashes, according to information from the Illinois Department of Transportation. Supporters of the new law hope it will decrease that number, citing a 12 percent drop in alcohol-related fatalities in New Mexico after that state implemented a similar law in 2005.  
  
About 3,000 Illinois drivers, primarily second-time DUI offenders, have the devices in their vehicles. That number is expected to increase to 30,000 once the law goes into effect on Jan. 1, 2009, said Susan McKinney, manager of the breath alcohol ignition interlock division of the secretary of state's office.  
  
The locks, which are rented, cost about $150 to install, plus an additional $100 or so in monthly fees to cover monitoring by the device's manufacturer and the secretary of state's office.

**17. Council Just Says No To Liquor In Bleachers**

Skip directly to the [full story](http://www.tbo.com/news/metro/MGBDTKY406F.html#content).

Ellen Gedalius

*The Tampa Tribune*

August 31, 2007

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TAMPA - A proposal to expand liquor sales to general seating areas at Raymond James Stadium was defeated Thursday by the Tampa City Council.

In a 4-2 vote, the council denied a request to expand liquor sales, leaving intact rules that limit sales to club seats, luxury suites and restaurants.

Council members Gwen Miller and Tom Scott voted in favor of expanding sales, arguing that hard liquor is sold at other major sporting and city venues.

The vote on Thursday reversed the council's decision in July to expand liquor sales.

Tampa police Maj. John Bennett told the council that an increase in alcohol-related incidents would be likely if the council granted the request.

Ellen Snelling, co-chairwoman of the Tampa Alcohol Coalition, had similar fears. "I am here out of concern about this particular wet-zoning," Snelling said. "There's an awful lot of drinking going on at football games" as it is, she said, and expanding sales could exacerbate problems, particularly drunken driving.

Councilman Charlie Miranda, who made the motion to deny the request, said residents of neighborhoods near the stadium would be adversely affected by increased alcohol sales. Miranda represents that area.

Many of the council members' comments acknowledged that denying liquor sales in the stadium wouldn't prevent people from drinking liquor before Tampa Bay Buccaneers games.

Raymond James had proposed some conditions in an attempt to win approval, such as banning the sale of liquor shots and prohibiting roaming vendors from selling mixed drinks in the general seating areas. The stadium also proposed a two-drink maximum rule and prohibiting sales after the third quarter of football games.

Stadium representatives said they want to sell mixed drinks to give fans more alcohol options.

Councilwoman Linda Saul-Sena said she was concerned that fans could abuse the two-drink-maximum rule. She also was concerned that busy bartenders wouldn't be able to adequately monitor whether fans were sober enough to buy a second drink.

Councilwoman Mary Mulhern was absent.

**18. Big Tobacco Wants to Block Ore. Tax Vote**

Brad Cain

*Associated Press*

Aug. 30, 2007

Tobacco interests have gone to court in a bid to block a statewide vote this fall on a cigarette tax increase to pay for children's health insurance.

A lawsuit filed in Marion County Circuit Court this week maintains that Measure 50, which would boost the cigarette tax by 84.5 cents a pack, violates the state constitution in several ways.

Among other things, the lawsuit says the measure makes three "unrelated" changes to the constitution with separate taxes on cigarettes, cigars and other tobacco products such as smokeless tobacco.

It also says the measure is "an unprecedented and unconstitutional gambit" to get around the requirement that tax increases be approved by three-fifths majorities of the House and Senate.

The Democratic-controlled Legislature placed the cigarette tax on the Nov. 6 ballot as a constitutional amendment after lawmakers couldn't muster enough GOP votes to enact it outright.

The lawsuit was filed by Portland lawyer James Dumas on behalf of state Sen. Jeff Kruse, R-Roseburg, and a group of tobacco users and retailers.

Dumas, who defended tobacco maker Philip Morris in a lawsuit over the 1999 death of a Salem woman, has asked the Marion County court for an expedited hearing of the Measure 50 challenge.

Cathy Kaufman, a spokeswoman for Healthy Kids Oregon, a group that is advocating for the passage of the cigarette tax, dismissed the lawsuit as, "further proof that big tobacco will do anything, say anything and pay anything to protect their profits even if it is at the expense of Oregon's kids."

Kaufman said tobacco companies have gone to court in at least five states since 2001 to block tobacco-related measures, and that none of those attempts had been successful.

Lisa Gilliam, a spokesman for a group called Stop the Measure 50 Tax that's being primarily funded by Philip Morris, said her organization, "agrees with the basic tenets of the lawsuit."

"We believe the measure is flawed, and sets a dangerous constitutional precedent," she said.

The cigarette tax hike, which is strongly backed by Democratic Gov. Ted Kulongoski, would raise an estimated $153 million for the current two-year budget, most of it to provide health care for more than 100,000 Oregon children.

Opponents said measure is unfair to smokers and it's inappropriate to write such a tax into the state constitution.

Associated Press writer Julia Silverman in Portland contributed to this report.

**19. Court allows strippers to go wild Judiciary**

**State's rules flunk U.S. appeals test**

John Wisley

*Free Press*

August 31, 2007

Michigan strippers can dance bottomless, at least for now, under a court ruling issued Thursday.

In a lawsuit brought by an Inkster strip club, the U.S. 6th Circuit Court of Appeals blocked enforcement of state Liquor Control Commission rules that required strippers to cover their genitals and refrain from simulating sex acts in clubs that serve alcohol.

**20. Court Lifts State Ban on Nude Dancing in Bars**

Paul Egan and Christine MacDonald

*The Detroit News*

August 31, 2007

Strip club owners were reacting cautiously to a federal appeals court ruling today that temporarily halts enforcement of the state's ban on fully nude dancing in places where alcohol is served.

The U.S. 6th Circuit Court of Appeals ordered that an Inkster strip club, Bogarts Lounge, should be granted a preliminary injunction preventing the state from bringing charges against it for having fully nude dancing and serving alcohol.

The appeals court sent the case back to U.S. District Judge Julian Abele Cook Jr. in Detroit for further proceedings. The ban on fully nude dancing in places where alcohol is served could still be valid, but only if the state gives better reasons for such a ban, the court said.

Strip club owners in the Detroit area have long been at a competitive disadvantage with those across the border in Windsor, where fully nude dancing is permitted.

The 6th Circuit said the U.S. Supreme Court has ruled nude dancing is expressive conduct protected by the First Amendment.

Therefore, the state must show its ban is necessary to serve a compelling state interest, which it has yet to do, the court said.

The Michigan Attorney General's Office had no immediate comment on the ruling.

Michael Donaldson of Livonia, a lawyer for Bogarts, said he will advise his client to wait until Cook issues a preliminary injunction before it begins featuring fully nude dancing. That could take 30 days, Donaldson said.

"This applies statewide; that's why it's so significant," Donaldson said.

But he expected the state would act to change the law in an effort to make it comply with the U.S. Constitution.

Robert Horvath, an attorney for the strip club Chix in Detroit, said many club owners may also wait until Cook issues an injunction before switching to all-nude dancing. But he said he would probably advise his client against making the transition because it appears it will only be "a short-lived situation."

"(The courts) are likely to uphold the nudity ban," Horvath said.

The ruling also temporarily halts enforcement on rules prohibiting simulated sex acts in bars that feature dancing. That's also significant because under the present law dancers and the establishments they work in can be charged for acts such as a dancer touching her breast, Donaldson said.

"I see it as a partial victory," said Timothy P. Murphy of St. Clair Shores, another attorney for Bogarts.

"What we're looking for is to have the rules thrown out."

**21. Judge To Decide If Officer Can Smell Alcohol On Man's Breath Through Drive-Through Window**

*CBS News*

Aug. 22, 2007

A judge will have to decide again whether a police officer can smell alcohol on a man's breath from inside of a fast-food drive-through window. The prosecution believes Officer Kenneth Marrow can and did earlier this year.  
  
The attorney for 24-year-old Cody Schaaf disagrees and says the officer had no reasonable cause to stop Schaaf on suspicion of drunken driving.  
  
The stipulated trial Monday in Lancaster County Court centered on the arrest of Schaaf early in the morning of March 20.  
  
Sometime before 3 a.m., Schaaf ordered four cheeseburgers at a McDonald's south of downtown Lincoln.  
  
As Schaaf's car got to the pickup window, Schaaf was asked by a McDonald's worker to pull ahead a few feet and wait for his food.  
  
The officer took the food to Schaaf's car and eventually arrested him. Schaaf's blood later tested out above the legal limit.  
  
A police spokeswoman said Wednesday that the officer had stopped at the restaurant because its managers had been reporting problems with drunken customers.  
  
Marrow testified during a hearing in July that Schaaf had bloodshot, watery eyes and that his speech was slurred. Marrow said he could smell alcohol coming from the car.  
  
But Mark Rappl, Schaaf's lawyer, challenged Marrow's account, doubting the officer could have detected the alcohol from inside the restaurant, seven feet from Schaaf.  
  
Rappl's first legal challenge to the arrest was rejected by Judge James Foster on Aug. 6.  
  
Foster was scheduled to issue his next decision in the case on Sept. 21.  
  
Lincoln Journal Star, http://www.journalstar.com.

**22.** **Township Council Takes Aim at Teen Drinking**

Paul Koepp, Staff Writer

*Packetonline News*

August 30, 2007

Two ordinances introduced Tuesday evening are designed to combat underage alcohol use.

Underage drinking is the target of two ordinances introduced Tuesday by the Township Council.

The council introduced one ordinance that would prohibit the possession or consumption of alcohol on private property by underage drinkers, as well as another requiring beer kegs to be registered prior to sale. They could be adopted after public hearings at the Sept. 25 council meeting.

The first proposed ordinance would allow the driver's license of a minor caught drinking alcohol on private property to be suspended or postponed for up to six months after the minor is of legal age to drive. It also establishes a fine of $250 for a first offense and $350 for subsequent offenses.

The keg registration ordinance would require retailers to place an identification label on every keg sold so that police can track the purchasers of kegs found at parties where minors are discovered drinking. Retailers must keep a record for 90 days of the buyer's driver's license number, the date and time of the purchase, the keg's identification number and the buyer's signature.

Councilman Joe Camarota said township groups like SUDZ, Stop Underage Drinking Zone, had petitioned the council to look at measures similar to those that have been adopted in nearby towns to crack down on underage drinking.

"It's a good control to give police another instrument to stop underage drinking," Mr. Camarota said.

He said he was especially impressed by the way Township Attorney Don Sears crafted the private property ordinance to focus on groups of unsupervised underage drinkers, creating exceptions for religious festivals and situations where parents are in charge.

Mr. Sears said the ordinance was not designed to be overly invasive, pointing out that police would still need probable cause to go on to private property.

Mr. Camarota also said the punishment of putting underage drinkers' driver's licenses in jeopardy would be more effective than fines.

"Fines can be irrelevant because the parents often pay them," he said. "This puts the onus on the minors because it could suspend or postpone their license for up to six months."

Linda Surks, of the Municipal Alliance and the local branch of the National Council on Alcohol and Drug Dependence, said that nine towns in Middlesex County — Edison, Metuchen, Woodbridge, Sayreville, South River, Spotswood, New Brunswick, North Brunswick, and Old Bridge — have adopted forms of the private property ordinance.

"This is a fabulous initiative they're undertaking because they're really leading the pack," Ms. Surks said. "It's really important because we know there is underage drinking in the township."

"Alcohol affecting the teenage brain is a critical issue," she said. "We're trying to protect young people from the problems that alcohol can cause in their lives."

**23. Most Letters Oppose Oneida Nation Liquor License**

Leeanne Root

*Oneida Daily Dispatch*

August 29, 2007

The New York State Liquor Authority will weigh arguments for and against the Oneida Indian Nation receiving liquor licenses at its Sept. 5 board meeting to be held in Manhattan.

According to Michael Smith, public information officer for the authority, letters against granting the Nation a liquor license far outweigh letters in support of granting the license.  
Politicians including Assemblyman Bill Magee, D-111, and Assemblyman David Townsend, R-115, have sent letters to the authority voicing their opinions.

Magee is concerned that if the Nation is granted a license, it will not pay taxes on the beer, wine and liquor that is being served.

"While the Turning Stone's current practice of utilizing outside caterers to provide alcohol is not the best case scenario at least we can be sure that these caterers are legitimately paying taxes on the beer, wine and liquor that they are serving and selling," he said.  
Magee said the liquor license could be used as a "bargaining chip" by the state to encourage negotiation of the land claim.

"To suddenly throw that away seems shortsighted and thoughtless," he said.  
Townsend feels the Nation should comply with state laws and regulations before being granted a liquor license.

He said in a letter to the authority that the Nation is "not only in violation of the sales tax law, but they have flaunted nearly every other relevant state law including the payment of property taxes, compliance with weights and measures and numerous other state safety regulations throughout the 14 years of their operation."

"Ironically, the OIN has been violating the state liquor laws for over 14 years up until only weeks ago as they allowed a 'bring-your-own-booze' policy at their venues," Townsend said in his letter. "This is obviously a late attempt to comply in order to curry favor with the SLA which is considering their recent and expedited application."

Oneida County Legislator Michael Hennessy said that he will attend the hearing personally to make his views known.

"I do plan on attending and speaking in opposition to the application until all sales tax and related issues are resolved," he said. "I do not believe that the application should go forward."

He also thinks granting a liquor license to the Nation could harm other Oneida County businesses.

"Our business community in our area is hurting and you take away the one advantage they've had, there are potentially a lot of businesses at the brink of going under," Hennessy said. "These people are hanging on and if they lose that one element of competition then I foresee some really difficult times ahead for our business community."  
On June 25, the majority of Oneida County legislators signed a resolution noting their opposition to the Nation getting a liquor license.

Paul Noyes of Sherrill voiced his support for the Nation receiving a liquor license in a letter to the authority dated Aug. 29.

"The hardcore organized opposition is withering. The elected officials either in Madison or Oneida Counties or local state people are saying what they feel they have to say," he said. "Mr. Halbritter responds better to a carrot than a stick. I suggest giving the Nation a temporary license until the end of 2007, pending further review. See if Ray, in turn, will give back something that makes good press."

Smith said liquor license applications for the golf courses and Lava nightclub were received on July 19.

Bill Crowley, director of communications for the authority, said the nightclub application will not be discussed at September's board meeting.

He said the three licenses under consideration are for the three Nation championship golf courses. The application for Lava Nightclub is still being processed.  
Crowley explained that decisions on liquor license applications do not have to be made by the board, "but in cases like these where we get some opposition to the license it goes to the full board to make a decision."

He said that many things are considered before approving a liquor license; "everything from having workers comp insurance, to how are you going to ensure that minors aren't being served alcohol, the financing of the establishment, people that are going to be employed. It's a whole host of things."

He said there are two people on the board, a chairman and a commission, that will make the final decision. He added that there should be three, but there is currently a vacancy due to a retirement.

"Our chairman will ask when the license comes before the board if there's anybody present in opposition or for the license. Typically attorneys will appear for the licensee and if there's people in opposition they'll have a chance to speak," Crowley said. "It's usually not people showing up, it's usually people writing or calling in and this is all part of the packet that the members review before they make any decision."

Jerry Reed, senior media specialist with the Nation, said the applications were submitted to serve liquor at the Atunyote Clubhouse, the Turnaround House at Kaluhyat and at the Shenendoah Clubhouse.

He said the Nation declined to comment on the upcoming hearing.

**24. Massive Underage Drinking Bust puts Spotlight on New Law**

**Several loopholes that made enforcement more difficult in S.C. have been closed**

Ishmael Tate

*The State*

More than 70 young people charged Saturday with underage drinking were caught in the cross hairs of a new law that makes it illegal for minors to try to buy or drink alcohol.

Effective July 1, the Prevention of Underage Drinking and Access to Alcohol Act of 2007 also increased fines and penalties for underage drinkers and for adults who provide them with alcohol.

The law closed a loophole that prevented police from arresting people younger than 21 who might have been drinking but didn’t get caught with alcohol, said Kevin Grindstaff, enforcement programs coordinator with LRADAC.

Many charged Saturday are college-age, and the charges came the same weekend many students moved into Columbia-area dorms.

USC freshman Emily Ko doesn’t drink and said the law makes sense.

“It’s reasonable for the safety of the kids,” said Ko, 18. “At 18, they’re talking to us about being responsible, so we should be responsible.”

Friend Emily Kirby, who also doesn’t drink, said maybe the crackdown would “teach kids there are consequences to their actions.”

“Lots of people in college drink just to be drinking,” said Kirby, 18.

Still, she questioned whether the law would deter underage drinkers.

Other students, who asked not to be named, said they thought underage drinkers would risk the charge or figure out how to get around the new law.

Under the new law, students with two or more misdemeanor alcohol or drug convictions risk losing their LIFE, HOPE, Palmetto Fellows and need-based scholarships, said Karen Woodfaulk, director of student services with the state Commission on Higher Education.

“Students may have the opportunity to go through pretrial intervention, in which case the record is expunged and (the student is) therefore not convicted,” she said.

To be eligible for the scholarships, students must sign an affidavit saying they have never been convicted of or pleaded guilty to or no contest to misdemeanor drug or alcohol charges.

Students still receive money if they plead guilty or are convicted after signing the document, but they would be ineligible for the next school year, Woodfaulk said. After a year of ineligibility, those students can reapply for the scholarships if they have met the other requirements.

Students convicted of felonies are not eligible for the scholarships, she said.

On Jan. 1, another portion of the law goes into effect that requires registration tags on all kegs sold in the state.

The registration allows law enforcement to track down and charge adults who buy kegs for parties with underage drinkers.

The multijurisdictional Alcohol Enforcement Team charged most of the people Saturday at two parties, one off Bluff Road and the other on Lexington Avenue in Cayce, Grindstaff said.

In Cayce, 57 underage drinkers were charged with possession of alcohol, authorities said. The adults who threw the party, ages 21 and 22, were charged with transfer of beer to a minor, he said.

Officers found six kegs of beer and a red cooler of “alcoholic punch” at the home, according to an incident report. Police also found a table set up for a drinking game in a shed behind the house.

At College Suites off Bluff Road, 13 underage drinkers were charged with possession of alcohol or consumption of alcohol. The adult who bought the keg was charged with transfer of beer to a minor.

First-time charges for underage drinking usually result in mandatory enrollment in the Alcohol Education Program, a diversion program created especially for alcohol-related offenses, Grindstaff said. The program includes community service and alcohol education.

“We know that underage drinking can lead to long-term alcohol abuse problems,” Grindstaff said.

Second offenses often land people in pretrial intervention. People convicted of underage alcohol offenses go through an Alcohol Intervention Program.

Grindstaff said the Alcohol Enforcement Team, which includes members of various local law enforcement agencies, will be involved in Columbia police’s Operation Welcome Back, which, in part, will target underage drinkers in areas surrounding USC like Five Points and the Vista.

**Cracking Down**

The Prevention of Underage Drinking and Access to Alcohol Act of 2007:

• Made it illegal for minors to try to buy or to consume alcohol, strengthening existing laws that only addressed possession and purchase of alcohol

• Increased fines for underage drinking to $465 from $257 and/or 30 days imprisonment

• Increased the term of suspension of a driver’s license to 120 days from 90 days for a first offense

• Required youth offenders to complete an alcohol intervention program, which must be a minimum of eight hours and cost no more than $150

• Increased fines for adults who provide alcohol to minors to $672.50 from $465 and/or 30 days in jail

• Required all kegs sold in South Carolina to have registration tags

**25. Variety of Clues Lead to Arrest in Slaying**

**A videotape, a tipster and DNA evidence from a plastic milk bottle help police identify an alleged gang member in a Hollywood liquor store shooting.**

Richard Winton

*Los Angeles Times*   
August 28, 2007

It was a graphic killing caught on videotape.  
  
In the shadow of the glittering, revitalized Hollywood Boulevard, a gunman entered a liquor store, grabbing one clerk as he demanded money. The gunman then fatally shot the clerk in the head and wounded another employee.  
  
A month later, LAPD detectives made an arrest in the slaying of Pulod Davlatnazarov, thanks to some unusual tactics.  
  
Typically, investigators look for fingerprints -- difficult at a place like the Limelight Liquor Store, which has hundreds of customers daily.  
  
But detectives saw on the tape that the gunman had picked up a plastic milk bottle just before the shooting. So they decided to see if they could get a DNA sample from the bottle.  
  
It usually takes six months or more to process DNA evidence. But the crime lab made analysis of the evidence a priority.  
  
Meanwhile, a tipster called police, saying he or she had seen the videotape on TV and could identify the shooter.  
  
The DNA result came back, and police found that it matched the person the tipster had identified, authorities said.  
  
"We got a DNA match, and he is the guy in the video," LAPD Deputy Chief Ken Garner said.  
  
Eighteen-year-old Rodney Maurice Bourgeois was arrested Saturday and now faces murder charges.  
  
The July 19 shooting prompted concern throughout Hollywood. The Limelight is on La Brea Avenue at the corner of Hollywood Boulevard, a few blocks from the famed Hollywood Roosevelt Hotel, Grauman's Chinese and El Capitan theaters and the Hollywood & Highland shopping complex.  
  
"It happened right on the boulevard of hopes and dreams," said Los Angeles City Councilman Tom LaBonge, who got the council to approve a $50,000 reward.  
  
Davlatnazarov, 39, was taking college classes, working two jobs and sending money home to his family in Tajikistan, said the owner of the Limelight, who out of safety concerns asked not to be identified. Davlatnazarov had worked at the liquor store for two weeks, the owner said.  
  
Detectives said the clerk was planning to bring his family to the United States once he had earned enough money.  
  
"He was a very good person. He didn't smoke or drink. He was a vegetarian and a Muslim," the store owner said. "He was always polite."  
  
Davlatnazarov came to Los Angeles after struggling to find work in Tajikistan.  
  
"We are planning a fundraiser and we're trying to get hold of his wife," the store owner said.  
  
The injured employee, 69-year-old Vladimir Akkerman, was the store's previous owner. Bored with retirement, he occasionally worked at the store, the current owner said.   
  
"He just underwent surgery on his chest and is recovering at home," the owner said.  
  
A Japanese tourist who wanted to buy refreshments at the store discovered the bloody scene, LAPD Det. Vicki Bynum said.

**26. Berkeley, UC Police Crack Down on Underage Drinking**

[*Inside Bay Area*](http://www.mercurynews.com/breakingnews/ci_6733627)

August 27, 2007

BERKELEY -- For a fifth year, the Berkeley Police Department is using a sizable grant from the state Department of Alcoholic Beverage Control to crack down on underage drinking and stores and eateries selling booze to minors.

Police -- along with UC Berkeley police and ABC officers -- were out in force Thursday, Friday and Saturday nights policing streets, liquor stores, bars, restaurants and markets.

Plainclothes and uniformed officers issued 56 citations to minors in possession of alcohol, those with open containers of alcohol, merchants selling alcohol to minors and minors with false identifications. Officers also made seven arrests for drugs and outstanding warrants.

"We are hoping that by doing this operation we not only address the problem of underage drinking, but we also cut down on incidents of drunken driving," said Berkeley police Lt. Wes Hester. "This weekend we got some pretty good numbers and made a lot of drug arrests in conjunction with this operation."

Arrested on Thursday night at Channing Way and Piedmont Avenue were Lucas A. Leydon, 18, and Clinton B. DeForest, 20, both of Fremont. Both men were taken into custody for selling and possessing marijuana, possession of mushrooms and resisting arrest. Another man, whose name was not available Monday, was arrested Friday night for possession of crack cocaine for sale, police said.

The crackdown, which begins every year when public schools and UC Berkeley start classes, comes in the wake of some recent alcohol-related problems at fraternities and apartments in Berkeley, police said.

Sgt. Mary Kusmiss said there have been at least three medical cases involving college-age women who have passed out because of booze in fraternities and apartments in the South campus area. At least one of the women, age 18, was transported to an area hospital for treatment, police said.

In years past, there have been more severe alcohol-related incidents. In 2004, one UC student died in March after a night of heavy drinking, followed by a second death in November caused by an overdose of alcohol and methadone.

Nationwide, there are 1,700 student deaths from drinking each year, according to the Prevention Research Center in Berkeley.

This year, Berkeley police received $89,000 in ABC grant money for overtime, equipment and other costs associated with the crackdown, which will run through June.

UC Berkeley also received a sizable grant from the ABC and worked with city police this weekend citing minors and store owners who broke the law.

Berkeley police Officer Steve Burcham said both city and UC officers also will be out this weekend and for Saturday evening's Golden Bears season opener against the University of Tennessee.

Police said there is a definite need for the grant money.

Between 2005-06, 28 percent of the businesses being watched by Berkeley police served or sold alcohol to decoys without checking their identification, police said. The statewide average is about 18 percent.

What's more, police said such things as frequent unsupervised parties, easy access to alcohol, single students living on their own, and the availability of private rooms can contribute to a high rate of rapes among women college students.

According to the group Problem-Oriented Policing, rape is the most common violent crime on American college campuses. Women ages 16 to 24 are raped at rates four times higher than the assault rate of all women.

Police said this is a problem in Berkeley as well.

"We learn of a lot of rapes in the course of all of this partying," Hester said.

Police said that although there have been recent alcohol-related problems near campus, the crackdown on underage drinking is citywide. "We want to make sure we are not targeting Cal students," Hester said. "This is a city-wide effort and we will be running other operations throughout the year."

**27. Gallatin Repeals Sunday Liquor Sale**

*Associated Press*

August 25,2007

WARSAW --Officials in this Northern Kentucky county have repealed a 2-year-old law that allowed Sunday alcohol sales.

Gallatin County magistrates passed the measure 3-1 Thursday night, making it illegal to sell package liquor from midnight Saturday to midnight on Sunday, and liquor by the drink from 1 a.m. Sunday to midnight in most areas. Businesses in Warsaw and the Kentucky Speedway would still be allowed to have Sunday sales.

A previous fiscal court approved Sunday sales in Gallatin County about two years ago, but two new magistrates, who favored the repeal, took office after last November's election.

The issue essentially pitted business interests, including a vineyard owner and other merchants, against people who supported the repeal on religious or moral grounds.

"It was just an emotional issue on both sides," county attorney John Wright said after the meeting.

Ten Mile Baptist Church Pastor Tom Calloway, whose congregation supported the change, said he was pleased with the vote.

Tricia Houston, who with her husband, Fran Kusala, owns the Cat's Meow Vineyard, said the bigger issue is that some people are imposing their religious beliefs on public policy.

"I'm absolutely astonished that I could be sitting there and listening to people's personal religious preferences as an indicator of the county's ability to move forward," she said. Houston projected she would lose business because "the weekend is the busiest time for wine-tasting and purchasing."

Proponents of Sunday sales say they may take the issue to civil court.

The new ordinance will take effect after a public notice is published, Wright said.

**28. Utah Running Out of Liquor Licenses**

*Beverage News Daily*

August 27, 2007

An increasing demand among Utah restaurants to serve alcoholic beverages has resulted in the state nearly running out of available liquor licenses.

The Legislature has set up a quota system for licenses that is dictated by state population. Alcoholic Beverage Control commissioners can only issue one license to serve just beer and wine for every 11,000 people in the state, or 244 licenses.

The commission issued its 243rd license on Friday to the Fortune Cookie in Riverton.

Licenses for serving liquor along with beer and wine also are running out. Commissioners were told only 19 of those licenses remain.

On Friday, newly elected Commissioner Bobbie Coray suggested setting standards for who gets the remaining licenses.

"Maybe we should be more selective," said Coray. "If we give out licenses to strip clubs or we give them to tacky places, we'll be using them up."

During her first meeting last month, Coray cast the only dissenting votes in granting licenses for three sexually oriented businesses, saying the clubs "are demeaning to women."

"You wouldn't have much of a business if all you offered was a Diet Coke," Coray told club owners.

**29. Board Approves New Regulations for Nightclubs**

[*The Vicksburg Post*](http://www.vicksburgpost.com/articles/2007/08/25/news/news01.txt)

August 25, 2007

The definition of a nightclub and the places in which they may operate have changed under new rules adopted Friday by the Vicksburg Board of Mayor

and Aldermen.

An amendment to a standing city ordinance, which follows a downtown disturbance about two months ago that ended in a homicide, does not change the status of businesses already in operation.

“It will only allow nightclubs in certain zones... and that's by special exception from the zoning board,” said city attorney Nancy Thomas.

Downtown Vicksburg, along Washington Street, is home to restaurants and bars, in addition to retail shops and private residences. It is zoned as C-3, a central business district. The new rules adopted Friday will not allow a business defined as a nightclub to operate in that zone, Thomas said.

According to a zoning map on the city's Web site, properties zoned as C-4 are east of Washington Street, near Clay Street. Paula Wright with the city's zoning department said most of the city is C-4, general commercial. The zone listed as L-1, or light industrial, is near Halls Ferry Road. The C-2 zone refers to a highway commercial area, which includes the area around Mississippi 27.

The new rules come about two months after a confrontation between patrons of the New New Orleans Cafe, at Washington and Grove streets, ended in a homicide at another location. Earlier this month, the club's owner, Timothy Tillman, was arrested by Vicksburg police on drug charges.

Complaints about nightclub patrons becoming unruly along Washington Street has led to an effort to calm residents' fears and keep downtown's “vibrant” appeal, Mayor Laurence Leyens has said.

“Of all the dialogue we've had about downtown, we're trying to close a door,” he said. “We've gotten feedback from the zoning board, the Main Street board and people in the community. Now we're going to amend the ordinance.”

The ordinance defines a nightclub as “a commercial establishment which derives 40 percent or more of its gross receipts on a monthly basis from any or all of the following,” including dispensing alcoholic beverages, beer or light wine for consumption on the premises; providing set-ups for alcoholic beverages; and charging cover charges or door fees. The ordinance also gives the city the right to inspect receipts or other financial records.

Leyens had initially proposed a 75-25 food-to-drink ratio, but members of the city's Zoning Board of Appeals suggested 60-40.

The Vicksburg Main Street board, charged with promoting downtown growth, agreed this week with the zoning board's notion of creating the new rules.

Liquor licenses are obtained through the state Office of Alcoholic Beverage Control, which gives city governments no power over who is allowed to serve alcohol. The city, however, licenses beer sales. If the ABC overrules the city's ordinance and offers a new business “resort status,” which allows 24/7 alcohol sales and doesn't require food sales, Thomas said, the ordinance would be in question.

“The provisions of this zoning ordinance are to supplement the state laws and the rules and regulations of the Alcohol Beverage Control Division of the Mississippi State Tax Commission,” the ordinance states. “If and in the event of conflicting provisions, the state laws and rules and regulations of the ABC will control.”

In 2002, the city, under the Leyens administration, adopted the Central Business District Urban Renewal Project, which aims to revitalize downtown and promote private investment for commercial and residential development. Since, about 20 residential units have been constructed in the upper levels of buildings and more residences are planned. Redevelopment along Levee Street, including the Art Park at Catfish Row, historic murals along the floodwall and planned museums have added elements meant to attract tourists.

The ordinance states, “The presence of nightclubs in the area is no longer compatible with the changes that have occurred in the C-3 zone in the last five years because of the negative secondary effects that are in and around nightclubs and should be controlled to and limited in other commercial zones of the city.”

The ordinance defines “negative secondary effects” as loud noise inside the club, as well as on the streets and sidewalks; litter; urination on the streets, sidewalks and sides of buildings; public drunkenness; fights and other crimes; large crowds blocking the streets and sidewalks; and damage to property in the area.

The new rules take effect in 30 days.

**30. (Georgetown University): Rules Limit Alcohol Paraphernalia**

[*The Hoya*](http://www.thehoya.com/news/082407/news2.cfm)

August 24, 2007

Georgetown approved further restrictions on its alcohol policies over the summer, enacting rules that limit drinking paraphernalia in on-campus residences.

Included in the new alcohol policy, which was approved by Vice President for Student Affairs Todd Olson and takes effect this semester, is an effort to cut down on drinking games. Certain items will be prohibited, such as funnels and tables specifically designed for beer pong.

Olson also approved a policy limiting the use of empty alcohol bottles as decoration.

While this practice will be permitted in upper-class residence halls, first-year students will be limited to only “one or two” empty bottles in their rooms, Olson said.

GUSA President Ben Shaw (COL ’08) said he supported the policy on decorative bottles, because it prevents students in rooms with sinks from pouring alcohol down the drain before admitting resident assistants and claiming the empty bottles were decoration.

A letter outlining the finalized policies will be sent out to students early next week, and will be posted on the Office of Student Conduct Web site, Olson said.

The new changes are part of a larger administrative effort to reduce drinking in campus residences that began last year. In January, Olson approved a policy change reducing the number of kegs allowed at on-campus parties from two to one, and he approved in May changes that reduce the guest limit and increase registration regulations at many parties. Both changes take effect this semester.

The changes “will allow for parties of a size that’s manageable and where the host can reasonably be expected to know who his or her guests are,” Olson said.

Shaw said that the new registration regulations will lead to a significant reduction in party regulation because it’s unrealistic to expect students to have parties planned several days in advance. While students previously didn’t have to register parties until 8 p.m. on the night of each party, they now must register parties online by Thursday at 10 a.m. Olson said that the former policy did not allow enough time for Residence Life staff and Department of Public Safety officers to be aware of what was happening around campus.

“If students feel that these policies are not grounded in reality, they’ll be less likely to register their parties, which will only exacerbate the problem,” Shaw said.

Olson said he is aware of this concern, and said the effectiveness of the new policies will be continually reassessed and modified if necessary.

“We are also aware of the critique that the new policy will force people off campus,” Olson said. “However, we believe that allowing a keg and parties on campus shows that this is not the case, and that we are creating a welcome place to socialize.”

“The policies strike a balance, encouraging fun parties while fostering a safe community,” Olson added.

Mia Curran (COL ’10) said she recognized the need for the new regulations. “I think it’s important to take measures to ensure student safety while drinking, but I don’t know if these regulations will really have that big of an effect on student conduct,” she said.

Guests will be limited to 25 in Alumni Square and Henle apartments, and 35 in Nevils, Village A, and townhouses. The new policy also limits the number of guests on Village A rooftops to 25 per apartment and 50 in townhouse backyards.

Attendance at information sessions will be required before students can register parties, a policy that will take effect Oct. 1.There will be 12 sessions in September and more throughout the year. “These sessions will serve both to make polices clear and give tools for hosting a safe and fun gathering,” Olson said.

A new policy regarding sanctions for repeat violations of the alcohol policy will also take effect and will include parental notification after two significant violations. A third violation is likely to result in suspension, although decisions will be made on a case-by-case basis.

Misha Matalia (SFS ’08) said it would be interesting to see how the new policies will affect parties. “It’s definitely going to affect the social scene,” she said.

**31. ABC Drops Music and Clothing Ban for Beach Lounge**

[*The Virginian-Pilot*](http://content.hamptonroads.com/story.cfm?story=131074&ran=167577)

August 25, 2007

A state panel Friday lifted music and clothing bans at an Oceanfront martini lounge, honoring the city’s request that it reconsider the restrictions. But the board also extended the restaurant’s closing time by an hour, which has city officials asking for another change in the rules.

Uroma’s Lounge, under the ruling approved by the Alcoholic Beverage Control Board, can now stay open until 1 a.m. The previous closing time was midnight, a nod to the city’s contention that too many nightclubs emptying at the same time at the Oceanfront can and does cause problems.

The original licenses were approved last month after negotiations between the city and the lounge and included bans on violent hip-hop and gangster rap and athletic wear such as do-rags.

City Attorney Les Lilley, who was not involved in those negotiations, said he went “ballistic” when he learned of the restrictions. Lilley thought the city had no place regulating such issues. He added that the restrictions had possible racial overtones that made him uncomfortable, and he asked the ABC board to reconsider.

When the city asked for changes to the permits, it gave Uroma’s attorney, Michael Lafayette, an opportunity to ask for his own tweaks.

So he requested the additional hour.

The city protested in writing. The ABC eliminated the rules that offended Lilley – leaving in a general ban on conduct that incites violence – but approved the later closing.

City officials thought they would have a chance to further argue their position at a hearing but found out Friday that a ruling already had been made.

“We tried to remove conditions that we thought were overstepping government’s bounds,” said Mark Stiles, deputy city attorney . “We were rewarded for that by a relaxing of the one condition we found central to our efforts.”

Stiles said the city intends to appeal.

“If the choice is between no license and a license that lets them stay open till one … I don’t think I want to finish that sentence,” Stiles said. “What I want to say is, we are dissatisfied. We feel we were punished for doing the right thing.”

Lafa yette, the attorney for Uroma’s owner and operator Ernestine “Tina” Combs, said he was surprised that the city wants to appeal.

He said that in the two months it has been open, Uroma’s has shown itself not to be a public safety problem. Combs described her restaurant as a jazz club with a more mature clientele than surrounding night spots.

“When anyone petitions for reconsideration,” Lafa yette said, “it runs the risk of perhaps going in the direction they did not foresee.”

**32. Beer Wars**

[*CitizensVoice.com*](http://www.zwire.com/site/news.cfm?newsid=18750721&BRD=2259&PAG=461&dept_id=571464&rfi=6)

August 26, 2007

The state Supreme Court could have an important say over the future of beer sales in Pennsylvania depending upon how it rules in a case.

The issue involves the blurring of traditional retail boundaries that determine how and where Pennsylvanians go to buy beer.

The court announced last week it will hear an appeal involving a prototype Sheetz convenience store in Altoona that had sold beer for takeout until last February.

The state Liquor Control Board granted the Altoona store an “E” retail license allowing for beer sales as long as it provided a dining area for customers.

The association representing beer distributors challenged the license on grounds the store only sold beer for takeout and not for customers in the dining area to drink on the premises. This meant that Sheetz was essentially operating as a beer distributor, the association said.

The Commonwealth Court ruled in the association’s favor saying the license was granted improperly.

The LCB appealed the ruling on grounds that a licensee can’t be compelled to sell beer in a certain way if it doesn’t want to.

In the short term, the Supreme Court’s decision to hear the appeal means that the Sheetz store can resume takeout beer sales at least temporarily until a final ruling is issued.

Beyond the narrow focus on Sheetz, a court ruling would have implications for the growing number of supermarket and convenience store chains in Pennsylvania interested in seeking licenses from the LCB to sell beer.

Wegmans Food Markets and Weis Food Markets are among those supermarkets. Weis already has an “E” license to sell beer at a subsidiary store it owns in Tannersville, Monroe County.

Lawmakers will be under pressure to address the status of “E” licensees if the Supreme Court upholds the lower court ruling, said Mark Meyer, director of the Senate Law and Justice Committee. These licensees would then have to let customers drink on their premises even if they aren’t set up to do so.

**33. CRA backs 1-cent sales tax hike for health insurance**

*NRN*

August 27, 2007

SACRAMENTO , Calif. (Aug. 27) As an alternative to the state Legislature's push for a steep health care tax on employers, the board of the California Restaurant Association has voted to back a 1-cent increase in sales tax to fund universal health insurance in the state.

CRA chief executive Jot Condie said the resulting increase in tax revenue of more than $5 billion annually would provide a "sustainable program" and avoid a legislative "deal" that would reduce coverage levels, increase medical costs and harm businesses and workers.

Support by the industry's largest state restaurant association for a 2008 ballot measure to authorize such funding marks a strategic shift for the CRA, which in 2003 led opposition to a proposal in the Democratic-dominated Legislature to require all employers to provide medical insurance for employees.

"Because of what is being proposed [in the Legislature], this action seemed to the board to be a proactive position and a viable solution," CRA spokeswoman Kearsten Shepherd said.

Shepherd said she could not immediately confirm a report that the association may also support a small payroll tax to help pay for the extension of coverage to millions of uninsured Californians.

Sacramento Bee columnist Daniel Weintraub quoted Condie as saying that the CRA may back a minimal payroll tax for that purpose. According to Weintraub, CRA officials "fear what might happen if a Democratic governor succeeds [Gov. Arnold] Schwarzenegger in 2010."

Democrats in the statehouse here have been eyeing a proposed 7.5-percent payroll tax on restaurateurs and other employers that do not provide health insurance. Schwarzenegger has called for extending coverage through a smaller payroll tax and new fees on certain health services.

**34. Police Issue More than 200 Alcohol Citations**

**Excise, IUPD crack down during Welcome Week**

Shannon McEnerney

*IDS*

8/28/2007

Police cracked down on underage drinking this weekend, issuing about 200 alcohol-related citations to students during IU's Welcome Week.

From Wednesday through Sunday, the Indiana State Excise Police wrote 181 citations, a 60 percent jump from last year's count of 107. In addition, the IU Police Department made 32 arrests, said IUPD Capt. Jerry Minger.

Minger said 13 of their arrests involved some sort of medical assistance, including an unconscious individual who recorded a .27 blood alcohol content level.

The Indiana State Excise Police began assigning extra officers to Bloomington locations the week before classes began. Eighty-one minors were charged with illegal possession, consumption or transportation of alcoholic beverages. In addition, 38 minors were charged with the possession of a fake I.D.

Officer Travis Thickstun of the Excise Police said underage drinking and fake I.D.'s are the biggest problem on Bloomington's campus. He cautioned students to not have fake I.D.'s and not to drink underage at all, but said the main issue is really that students are more concerned with not getting caught than not possessing illegal items.

Thickstun said officers approach students they believe to appear young and then check for information.

The excise police plans to continue the same level of activity as before by working at alcohol establishments inside and outside and general patrols around the Bloomington campus.

Nine adults were arrested for furnishing alcoholic beverages to minors, and 20 minors were charged with entering a liquor store or tavern.

The excise police also caught 33 people who were arrested on charges of a variety of offenses, including drug possession, public intoxication and other violations.

"All officers have discretion on when to work and where to go, it is the officers choice where to check and where to patrol," Thickstun said.

Businesses were no exception to violations. Big Red Liquors on College Avenue was cited for allowing a minor to loiter along with the sale of alcoholic beverages to a minor. In January 2007, the store was cited for the same violations, according to excise police reports.

Kilroy's on Kirkwood was also cited for six counts each of allowing a minor to loiter and the sale of alcoholic beverages to a minor. A total of 13 minors were issued citations at Kilroy's.

**35. Judge: Parts Of Indiana Wine-Shipping Law Unconstitutional**

[*The Indy Channel*](http://www.theindychannel.com/news/14009236/detail.html)

August 30, 2007

INDIANAPOLIS -- A federal judge Wednesday declared parts of Indiana law regulating wine sales unconstitutional, saying the state wrongly prohibits most out-of-state wineries from shipping wine directly to Indiana consumers.

Besides letting more out-of-state wineries ship to Indiana customers, the ruling in U.S. District Court in Indianapolis also will stop requiring wineries -- both in the state and out -- to have an in-person transaction with a customer before shipping to them, 6News reported.

The law in question prohibits wineries that have wholesale privileges in states other than Indiana from seeking a direct wine seller's permit, which Indiana requires to ship wine to customers in the state.

Judge John D. Tinder decided that the law discriminated against out-of-state wineries, noting that many states -- including the three states that account for 90 percent of U.S. noncarbonated wine -- automatically give wholesaling privileges to their wineries.

"This restriction bars the vast majority of out-of-state wineries from obtaining a direct wine seller's permit," the ruling said.

Tinder also ruled the law discriminates against out-of-state wineries by requiring an initial, in-person transaction between a customer and a winery before the winery can ship to the customer.

"This requirement erects a trade barrier to most out-of-state wineries by requiring them to establish a physical presence in Indiana or limit their potential market to those customers willing to (pay) the expense of travel to their states," the ruling said.

The judge said Indiana's law violated the commerce clause of the U.S. Constitution, and his order stops the state from enforcing the rules he declared to be unconstitutional.

A Michigan winery, Chateau Grand Traverse, and a group of consumers challenged Indiana's law.

"You can't allow wineries in one state to have an advantage over wineries in another state," said Ed O'Keefe, CEO and founder of Chateau Grand Traverse. "It's not right."

David Heath, chairman of the Indiana Alcohol and Tobacco commission, said the ruling also will let Indiana wineries ship to Indiana customers without requiring them to make an initial in-person transaction.

"They'll still have to verify that the person is 21 years of age and follow that through the entire process, even up to and including delivery of the wine, but it doesn't require that they meet face-to-face to verify it," Heath said.

Charles Thomas, owner of Chateau Thomas Winery in Plainfield, said he's thrilled for his business and for customers all over the state.

"You have to know that there's a lot of people that didn't buy because they didn't want to have to go through the hassle of coming down here," Thomas said. "To me, it's a great ruling and it's a fair ruling."

# 36. Community Forces Fight Underage Drinking, Explain Policy

[*Bennington Banner*](http://www.benningtonbanner.com/headlines/ci_6756248)

August 30, 2007

BENNINGTON — Drinking by local teenagers was thrust into the spotlight once again this week.

A presentation by Lt. Chad Schmidt of the Bennington Police Department on Monday informed Mount Anthony Union School Board members of the current dangers of underage drinking. At the high school's athletics night on Tuesday, coaches, administrators and counselors, along with police, explained the new Training Rules Policy to students and their parents.

MAUHS Principal Sue Maguire said one alcohol-related incident had been reported to the school this summer, but the student was one of the 10 percent not involved in athletics or activities at the high school. "We don't see a lot of action," Maguire said Monday, "but we're aware that it's going on."

Lt. Paul Doucette of the Bennington Police Department answered parents' questions about the Training Rules Policy. The policy, which originated in August 2006, received attention this summer after a popular cross-country running coach, Kevin Quinn, resigned in protest.

Parents question

Doucette said the police will provide information to the school if it is requested by Maguire or Athletics Director Tim Brown. The police will not release information on children under the age of 16, as they are tried as juveniles in court. If an investigation is ongoing, he said police will not disclose all of the facts.

Parents asked why the school has the right to the information. Brown answered by saying that by signing the athletics and activities contract, which is required to participate, you agree to allowing the school access.

"We're not going to cruise around in unmarked cars with a list of names of the MAUHS football team," Doucette said. Maguire added that administrators and coaches will also not go out of their way to catch athletes.

One parent said they thought the school was overstepping its bounds by enforcing their policy beyond the school year. "Sometimes the right decisions come by mistakes," the parent said at the athletics night. "I'd rather have my children make mistakes while they're close to home. I'll take care of the parent thing during the summer."

Scott Legacy, the wrestling coach at the high school, said that instead of losing borderline kids that get into trouble to the new policy, the kids have stepped up and worked hard to stay eligible, both academically and by the training rules.

Schmidt, supported by the Southshire Substance Abuse Coalition, gave a presentation to the MAU school board and television audience at Monday's board meeting. He wanted to identify underage drinking as a community problem, introduce the community to START, the Stop Teen Alcohol Risk Team, and to change beliefs about underage drinking.

START is dedicated to enforcing the underage drinking laws in the state of Vermont. The team is made up of police and community members.

"You cannot legislate this problem away," Schmidt said about underage drinking.

MAU Middle School Principal Warren Roaf agreed, saying the training rules policy alone could also not solve the underage drinking problem. Schmidt said community involvement is needed.

The underage drinking picture looks much different than it did in the past, Schmidt said. Teenagers are drinking more than ever, from kegs and bottles of hard alcohol, and it has become extremely dangerous.

Alcohol-related tragedies are the number one cause of death among 16- to 24-year-olds; alcohol-related "date rape" and teenage pregnancy are also at all time highs, according to Schmidt.

He said that every day 7,000 kids under the age of 16 take their first drink.

David O'Brien, an advocate against underage drinking, said Vermont got through graduation and prom season without one teenage alcohol-related death. "It's not by accident," he said. "It's because of the hard work done by community members."