



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development


ALCOHOL & MARIJUANA CONTROL OFFICE

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MEMORANDUM

TO: Alcohol Beverage Control

DATE: Thursday, June 23, 2022

FROM:  James Hoelscher, Enforcement Supervisor

RE: Enforcement Report, Alcohol

When interviewing for my position for AMCO, one question stood out to me “What does community policing mean to you?” I responded then as I would now, you must be able to live with the people you serve knowing everyone is doing your best to create a healthy community. Over the past few years, I have started to hear the term “Community Policing” used more and more, often there is a misunderstanding of what this means, in the simplest form, it is a partnership between law enforcement and the residents. A partnership can be defined as when each person involved contributes and shares in the losses and successes. The weight being pulled must be carried by all involved. AMCO Enforcement is reassuring our commitment for utilizing the Community Policy model in our enforcement of Statutes and Regulations.

AMCO Enforcement continues to implement community policing in addressing issues and looking for solutions, most recently, this model has been used in working with Alcohol licensees in finding solutions for premises and ownership changes and catering permits. It has also been used with Marijuana licensees with the METRC user group discussions. I have heard only positive feedback regarding the discussions, it has help AMCO Enforcement, METRC and licenses have productive discussions with identified solutions.

With the fiscal year 2023 around the corner, AMCO enforcement is planning on reaching out to our smaller communities with needs for inspections, enforcement and education for local Law Enforcement. We expect travel throughout the summer and fall.

AMCO Enforcement is currently reviewing the job description for individuals who will be employed in the compliance check program. Once these positions have been approved, we still have the hurdle of working towards education and training for licensees and Enforcement, these steps need to be completed, prior to implementing shoulder taps and compliance checks.

ABC Board Chairman requested an update regarding the TTB regulation for standards of fill. I contacted TTB for clarification and they provided the information Board Chair had requested. The following information was provided to me on May 23, 2022 at 0822 hours, by TTB Investigator Ronal Loyd:

"Investigator Hoelscher,

Please see below. Based on the limited information that I have, I think the following regulations addresses the scenario we discussed earlier today on the telephone. It sounds like the activity you described would not be allowed by Federal regulations.

§ 1.80 addresses bulk spirits in excess of one gallon (kegs).

§ 19.511 Bottles authorized – addresses spirits in bottles in state or interstate commerce (out of state).

I'm not sure what the actual bulk container is in the matter we discussed this morning. I believe you mentioned kegs, which would not be allowed.

Subpart E - Bulk Sales and Bottling of Distilled Spirits

Bulk Sales and Bottling

§ 1.80 Sales of distilled spirits in bulk.

It is unlawful for any person to sell, offer to sell, contract to sell, or otherwise dispose of distilled spirits in bulk, for nonindustrial use, except for export or to the classes of persons enumerated in §§ 1.82, 1.83, and 1.84. Subpart B – Definitions defines "in bulk" as Distilled spirits in containers having a capacity in excess of one wine gallon.

§ 19.511 Bottles authorized.

Each liquor bottle for nonindustrial distilled spirits for domestic use must conform to a bottle size specified in the standards of fill set forth in subpart E of part 5 of this chapter. This rule applies to liquor bottles intended for distribution in both interstate and intrastate commerce.

So, the bottles must follow section 5.203 in all cases.

(We need to update part 19's reference to Subpart E to now be Subpart K...but it still applies.)

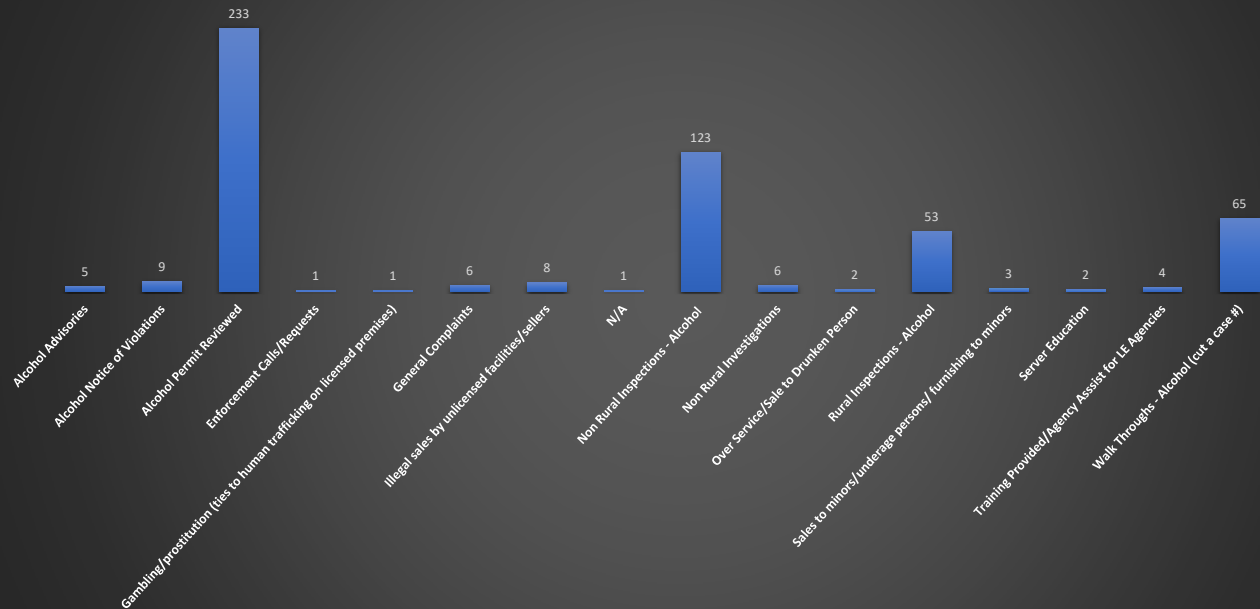
I hope this helps. Let me know if you have additional questions or concerns."

We remain fully staffed and there have been no changes since my last update.

Since the last meeting of the Board, AMCO Enforcement has received numerous questions regarding distilled spirits in kegs and bottle clubs. Two individuals with business models are expected to present their concerns on recent interpretation of these rules during public comment. Following receiving additional guidance from this Board and the Department of Law, AMCO intends to issue advisories with reasonable implementation dates for impacted licensees or non-licensees.

March 24th, 2022-June 20th, 2022

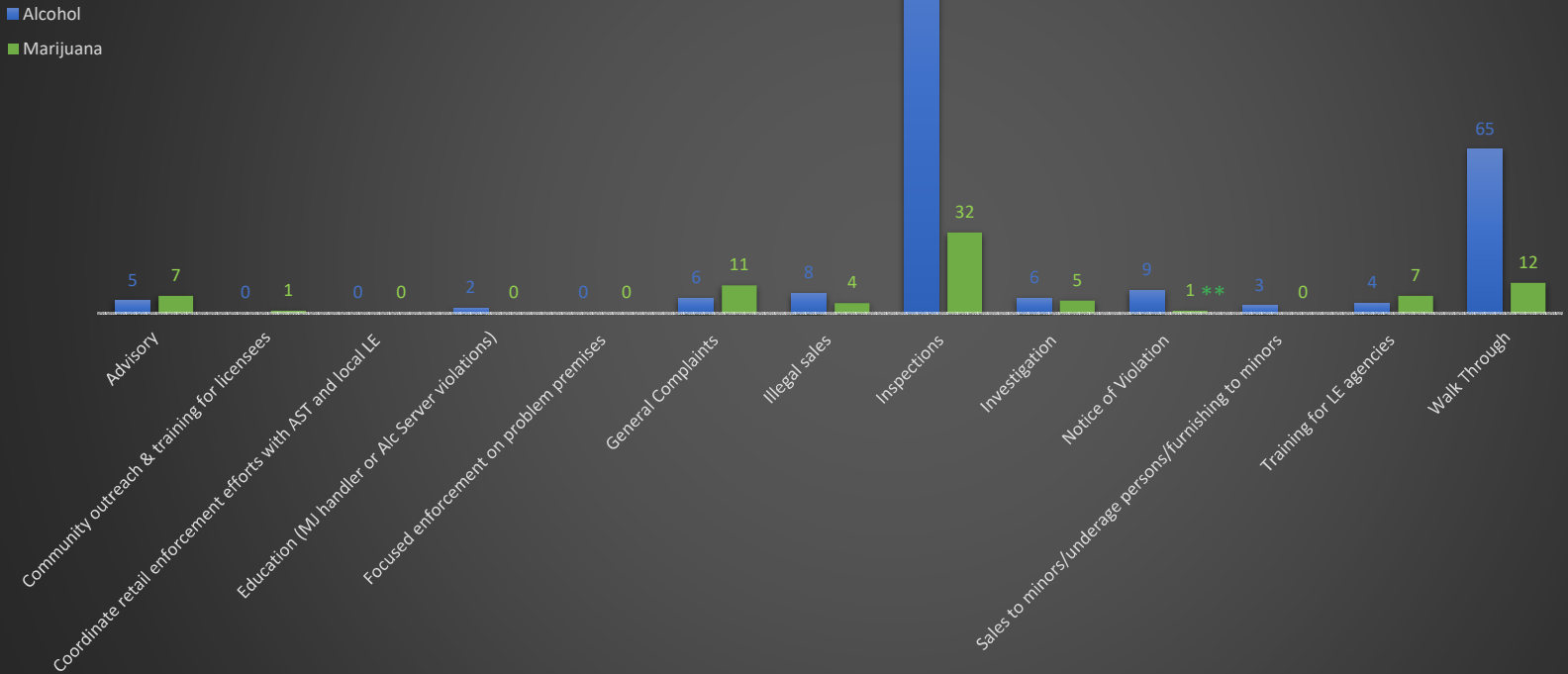
ABC Enforcement Principles



"Disclaimer: Reported numbers are not final outcomes"

Alcohol

Identical ABC and MCB Enforcement Principles Statistics



**Tax delinquency violations is not included.

"Disclaimer: Reported numbers are not final outcomes."