

SELLER/SERVER SUPPLEMENTAL TRAINING SESSION



June 22, 2010

4:00 – 5:30pm

Red Wing Library



AGENDA

- ⦿ **Welcome Message**

(Presented by Stacy Larson, Tim Sletten & Dave Borgen)

- ⦿ **Criminal Liability Overview**

(Presented by Elizabeth Breza from the County Attorney's Office)

- ⦿ **Civil Liability Overview**

(Presented by Joanne Pohl from Goodhue County Court Services)

- ⦿ **Insurance Impacts**

(Presented by Megan Simonson, CIC, Insurance Consultant)






- ⦿ **Open Discussion & Questions**

- ⦿ **Closing**

WELCOME

The Red Wing CHI Council would like to welcome you and thank you for your participation today!

About the Red Wing CHI Council

-  Purpose of the council to enhance the quality of life of Goodhue County families and citizens by promoting chemical health.
-  Our primary goal is to reduce substance abuse amongst the youth of Goodhue County by addressing the factors in each community that increase the risk of substance abuse.
-  Council contains members from the various sectors of the RW Community.
-  Council meets on the 2nd Wednesday of the month at the RWHS.
-  **We are here to support the local businesses and welcome your feedback!**

CRIMINAL LIABILITY OVERVIEW

Presented by:

Elizabeth Breza
County Attorney's Office





CRIMINAL LIABILITY

340A.503, Subd. 1(a)

It is unlawful for any retail intoxicating liquor or 3.2 percent malt liquor licensee, municipal liquor store, or bottle club permit holder . . . to permit any person under the age of 21 years to drink alcoholic beverages on the licensed premises or within the municipal liquor store.

Violation is a **misdemeanor** (*maximum* penalty **90 days jail and/or \$1,000 fine**).

CRIMINAL LIABILITY

340A.503, Subd. 2(1)

It is unlawful for any person to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age

- ⊙ Violation is a **gross misdemeanor** (*maximum* penalty **1 year jail and/or \$3,000 fine**).
- ⊙ Compliance checks (“alcohol stings”) are constitutional – law enforcement does not need “objective, individualized, articulable suspicion of criminal wrongdoing” on part of alcohol retailer.
- ⊙ It is not “aiding and abetting” for law enforcement to conduct compliance checks using underage undercover purchasers.
- ⊙ *State v. Fitzpatrick*, 690 N.W.2d 387 (Minn.App.2004).



CRIMINAL LIABILITY

350A.503, Subd. 5a

With respect to purchasing, possessing, consuming, selling, furnishing, and serving alcoholic beverages, *a person is not 21 years of age until 8:00 a.m. on the day of that person's 21st birthday.*

- ⊙ This subdivision was just added in 2005.
- ⊙ Eliminates “power hour” after midnight on 21st birthday.
- ⊙ Violation is a **misdemeanor**.



CRIMINAL LIABILITY

340A.503, Subd. 6

**Proof of age for purchasing or consuming alcoholic beverages
may be established by:**

- ⊙ a valid driver's license or identification card issued by MN, another state, or a province of Canada (must include a photo and DOB of the licensed person)
- ⊙ a valid military ID
- ⊙ a valid passport issued by the US
- ⊙ a valid passport (foreign national)



CRIMINAL LIABILITY

In a prosecution for selling, bartering, furnishing or giving alcoholic beverages to a person under the age of 21, it is a *defense* to the charge if the defendant proves by a preponderance of the evidence that she/he reasonably and in good faith relied upon representations of proof of age in the form of a valid drivers license, military ID, passport, etc.



CRIMINAL LIABILITY

A licensed retailer or municipal liquor store may seize an individual's identification if the retailer or municipal liquor store has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law.

- ⦿ Must deliver to law enforcement within 24 hours of seizing it



CRIMINAL LIABILITY

It is also a crime to sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.

- ⊙ This is a **gross misdemeanor** (*maximum* penalty **1 year jail and/or \$3,000 fine**).
- ⊙ Not often prosecuted.
- ⊙ Usually comes up in the context of a civil Dram Shop action.

CIVIL LIABILITY OVERVIEW

Presented by:

Joanne Pohl

Goodhue County Court Services





CIVIL LIABILITY

Definition of “Dram Shop”

Any facility that sells liquor



CIVIL LIABILITY

What are dram shop laws?

Persons/organizations/establishments
are held liable for damages resulting
from the illegal sale of alcohol



CIVIL LIABILITY

What is an illegal sale of alcohol?

- ⊙ any sale to a minor
- ⊙ any sale to an obviously intoxicated person
- ⊙ any sale on a day or hour prohibited by law



CIVIL LIABILITY

Who can start a lawsuit under dram shop laws?

- ⊙ Anyone who:
 - ⊙ is injured, or
 - ⊙ suffers property damage
 - ⊙ suffers loss in means of support
 - ⊙ suffers "other pecuniary loss"



CIVIL LIABILITY

Who can be sued in a dram shop action?

- ⊙ the person who made the illegal sale
- ⊙ the licensee



CIVIL LIABILITY

What types of damages are recoverable from the employee/establishment that made the illegal sale of liquor?



CIVIL LIABILITY

- ① driving accidents
- ① bar fights
- ① snowmobile/ATV accidents
- ① crimes: murders, assaults, robberies
- ① suicides (?)



CIVIL LIABILITY

Who can initiate a dram shop lawsuit?

- ⊙ NOT the intoxicated person
- ⊙ anyone who has been harmed if the illegal sale was the proximate cause of the injury/damage



CIVIL LIABILITY

SOCIAL HOST LIABILITY in MN

A person over 21 who knowingly and recklessly permits consumption by an underage person and that consumption causes intoxication

INSURANCE IMPACTS

Presented by:

Megan Simonson
CIC, Insurance Consultant



MINNESOTA-AST

Getting Started...

To Get Started follow the below steps:

- Go to Internet Explorer and type in the following address: www.minnesota-ast.com
- Once at the site, you will need to register. To do this, simply click on **Create A Server Account**
- This will bring up a profile information page where you will be asked to enter your First Name, Last Name and Email Address.
- In addition, you will be asked to create your own Login ID and Password. These can be anything that you would like, please make sure that it is easy to remember. It is always helpful to either write this information down or print it out so that you can have it handy for future reference!
- When you are done entering your information, simply click on **Register**.
- Now you are ready to go! You will then be at the server home page and provided further instructions.

Liquor License Owners & Managers

If you are a liquor licensee Owner or manager, you can contact the Chemical Health Initiative To get set up with an Administrator account for Your business.

Visit Our CHI Websites

Main Website: www.CHI-Goodhue.org
 Parent Website: www.CHI-Parentnetwork.org
 Website for Kids: www.CHI-Howie.org

For more information, contact the Chemical Health Initiative of Goodhue County at (651) 385-3307.

Working to support Goodhue County businesses And their employees!



Minnesota - AST

Minnesota Alcohol Server Training

Brought to you by the Chemical Health Initiative of Goodhue County in Partnership with Docutech

AST
 the
 license
 public

simple, cost
 efficient
 servers/
 concerning

This training program provides servers with the training they need to understand the laws and their own personal liability when serving/selling alcohol to the public. It does so in a convenient, easy manner that they can do at their convenience.

This program provides license administrators a quick and easy way to ensure liquor licensees are in compliance with regard to the training of their servers/sellers before issuing or renewing a liquor license.

This site serves the general public by improving the level of training of alcohol servers and improving their awareness of their responsibilities when serving or selling alcohol to the public.

Benefits of Minnesota-AST

- Cost is free to all Goodhue County Liquor Licensees!
- Unlimited usage. The training can be taken as many times, by as many employees as needed.
- Flexibility. The training can be taken at any place, any time.
- On-line training program is easy to use and understand.
 - Liquor Licensee owners and managers can easily monitor and manage the training process for their employees.
 - Ease of management for City Administrators through easy on-line access to database.



Staying Compliant

Jurisdictions that have implemented the Seller/Server Ordinance, requires that servers/sellers of alcohol in their jurisdiction take a certified Alcohol Seller/Server training course and successfully complete any exams before the server/seller can legally sell or serve alcohol in their jurisdiction.

In addition, the training needs to be renewed on an annual basis in order to continue compliance. Jurisdictions require sellers/servers have successfully completed their training course within the previous 12 months. Therefore, if it has been more than a year since you last took the jurisdiction's course here, you may not sell/serve alcohol legally again until after successfully completing the course again.

The Minnesota-AST on-line training program will allow all sellers and servers who utilize the program to easily check the compliance dates to ensure compliance.

Minnesota Alcohol Server Training Flyer



CHI WEBSITES

- ◎ Main CHI Coalition Website
 - ◎ www.chi-goodhue.org
- ◎ CHI Parent Network Website
 - ◎ www.chi-parentnetwork.org
- ◎ CHI Howie Website
 - ◎ www.chi-howie.org



SESSION WRAP-UP

This event is recorded and will be available on the CHI Website at www.chi-goodhue.org for future viewing.

We welcome your feedback!

If you have additional comments, questions and/or suggestions on how the CHI can be of help and support your organization, please feel free to contact us via phone at (651) 385-6105 or via email at stacy.larson@chi-goodhue.org.

***The Red Wing CHI Council would like to thank
all of you for attending this event!***