



ILCC News

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www.state.il.us/LCC

A Letter from the Chairman

The consequences of non-compliance



The Illinois Liquor Control Commission (ILCC) continues to test liquor licensees on their ability to stay within the law, and one area in particular has received increased attention from ILCC special agents: Sales to underage buyers.

During the month of September, agents closely supervised underage youths as they attempted to purchase alcohol in over one hundred liquor establishments located throughout the state. While the vast majority of licensees are found to be compliant during these checks, **it only takes one bad decision by one employee** to result in severe consequences, not only on your business, but the general public at large.

Yes, the consequences are harsh if your business becomes ensnared in one of our underage compliance operations. In addition to the potential loss of a day’s business, you also face the possibility of a fine, suspension, and revocation of their liquor license. But think for a moment if the purchase was made by a minor *not* hired by the ILCC? Could you and your employees handle the potentially deadly consequences? Underage drinking kills and injuries more people than all other drugs combined, and the full health and social effects on the teens themselves are still being discovered today (see www.DontBeSorry.org for a short list of these consequences).

As the above illustrates, you should feel grateful it was not a *real* teenager buying the alcohol. Remember, the Liquor Commission is charged with “...protect(ing) the health, safety, and welfare of the people of Illinois.” So, it’s a safe bet you will face the continued minor inconvenience of underage compliance operations into the foreseeable future.

Sincerely,

Irving J. Koppel,
Chairman
Illinois Liquor Control Commission



What is a violation? See listing on Page 3

Special guest column

By **Damon T. Arnold, Illinois Department of Public Health Director**



Damon T. Arnold

Contrary to the impression left by a recent front page newspaper article, there is widespread support and compliance with the **Smoke-Free Illinois Act**, which went into effect January 1, 2008, throughout Illinois. While the above-mentioned article focused solely on some small neighborhood taverns, the overwhelming majority of Illinois' liquor-licensed establishments are dutifully following the law.

In situations where the state, local health department, or local law enforcement have been informed of people violating the law, steps have been taken. In Will County, for example, a judge recently declined to dismiss charges against five people accused of smoking in local bars and ruled the law to be constitutional. There also have been smoking fines issued in Lee, Stark and Winnebago counties. In those areas where there appear to be repeat violators and a lack of enforcement, the Illinois Department of Public Health is working with local officials and others to see that the law is followed. As with any new law, it will take time, but ultimately it will become the norm and it will become self-enforcing.

There is no risk-free level of exposure to secondhand smoke, which can cause lung cancer and coronary heart disease in healthy non-smoking adults and increase the risk of serious respiratory problems in children.

Illinois' restriction on smoking in indoor public places limits non-smokers exposure to secondhand smoke and is contributing to a shift in public attitude about smoking from acceptable to unacceptable. A recent survey of Illinois voters found 73 percent of Illinois voters supported the smoke-free law and 88 percent agreed that restaurants, bars, and casinos are much healthier for customers and employees now that they are smoke-free. As the *Chicago Tribune* noted in an editorial earlier this year "...countless Illinoisans have discovered the glory of clean air in that bar, restaurant or nightclub."

Illinois can rightfully be proud of its smoke-free law, one of the most far-reaching in the country, and we pledge to continue to take whatever actions are necessary to ensure this law is followed throughout the state.

A variety of informational resources are available on the web at www.smoke-free.illinois.gov, which can be accessed directly from the Liquor Commission's home page www.state.il.us/LCC (see "Latest News" on right side of screen). Additionally, please turn to pages 4 and 5 for more information about the State of Illinois' Tobacco Enforcement Program, which tests retailers on their compliance with minimum-age tobacco laws.



ILCC News Article suggestions are welcome!

The Commission welcomes your input to enhance the *ILCC News* publication. If you have a suggestion for an article topic or a helpful hint to share with other licensees, please contact the Commission's Chicago Office.

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What is a violation?

Not knowing the law can cost you. Whether conducting special underage compliance operations (*see this issue's cover story*) or making the rounds on their regular inspections, Illinois Liquor Control Commission (ILCC) special agents are always on the lookout for violations of the Liquor Control Act.

To avoid receiving a violation, it is imperative that licensees review the Liquor Control Act and ILCC Rules & Regulations on a regular basis.

Links to both publications can be found on our website www.state.il.us/LCC/legaldiv.asp.



Additionally, properly trained employees can ultimately save your business money. See page 6 to learn more about how BASSET training can not only improve your bottom line, but also help you stay within the law.

Below are brief descriptions of some of the more typical retail licensee violations. Please keep in mind, this is **not** a comprehensive list and all laws are subject to change without notice:

- State liquor license not displayed.
- State liquor license not valid.
- Local liquor license not available.
- IBT certificate not available.
- Information on documents (state/local license, IBT certificate, stamps, etc.) are not consistent.
- Pregnancy warning sign not displayed.
- Happy Hour Law violation.
- Pre-mixed drinks not destroyed weekly, receptacle not cleaned, or cleaning record not kept.
- Sanitation violation.
- Unsanitary taps.
- Taps not cleaned weekly, cleaning record not kept.
- Brands and taps do not agree.
- Advertised brands not available.
- Taps not visible from 10 feet.
- Shot glasses less than one ounce.
- Contaminated liquor found.
- Marrying like brands.
- Offering or using any unlabeled liquor bottles for service.
- Purchases without valid license.
- Transfer of liquor to/from another location.
- Liquor brought from out of state.
- 90 days of invoices or waiver not available.
- Purchased alcoholic liquor, other than beer, while delinquent.
- Giving away of alcoholic beverages and advertising of same.
- Warehousing of alcoholic liquor off the premises.
- No access or refused access to liquor storage.
- Gambling.
- Violation of the Cash Beer Law.
- Sale of 50/100ml in violation of City of Chicago ordinance.
- Received something of value from distributor.
- Impermissible signage and/or advertising materials.
- Sales to/from another retailer.
- Sale to minors.
- Sale of single containers less than 20 oz. in violation of City of Chicago ordinance.
- Purchases outside designated territory.
- Civil Rights violation on licensed premises.
- Failure to produce requested books and records.
- Cigarette packs do not have proper revenue stamps.
- Coin operated amusement device(s) without revenue certificates attached.
- Advertisement containing the terms "free" or "complimentary."

Success continues for Tobacco Enforcement Program

By Jeff Barr, ILCC Tobacco Program Manager

June brought the conclusion of yet another successful year within the Commission's **Tobacco Enforcement Program (TEP)**. Participating communities provided the Commission's Tobacco Retailer Kit to approximately 10,000 retailers and conducted 17,573 compliance checks. The overall Retailer Violation Rate (RVR) from the compliance checks was 7.8 percent, the lowest overall rate in the program's eight year history.

Each year, the Commission receives a \$1 million appropriation from the Tobacco Settlement Fund to its Tobacco Enforcement Program. As a result, approximately 300 communities receive grants to conduct comprehensive retail education and enforcement programs.

"Onesies" outlawed in Illinois

Governor Rod R. Blagojevich signed legislation making it even more difficult for minors to purchase cigarettes in Illinois. Senate Bill 2546, sponsored by State Senator James Clayborne, Jr. and State Representative Daniel J. Burke, prohibits all out-of-package sales of single or loose cigarettes.

Often referred to as *onesies*, these single cigarettes are usually not protectively packaged and do not display the health warning label required by federal law. "With this law, we are taking additional steps to make sure cigarettes stay out of the hands of our children," says Gov. Blagojevich. "Senate Bill 2546, along with the recently passed Smoke-Free Illinois Act, both help to move us closer to an Illinois where we can all breathe safely and easily."

"With the Governor's signature, this legislation will provide new tools for the Illinois Liquor Control Commission to ensure that tobacco retailers are not selling cigarettes to minors in the form of single cigarettes," said Lainie Krozel, Acting Director of the Illinois Liquor Control Commission. "Every day 3,000 young people under the age of 18 become regular smokers. If we can help stop minors from becoming addicted, even by one cigarette at a time, we will be helping to save lives."

The new law also makes it explicitly illegal for minors under 18 to use altered/fake IDs when attempting to buy cigarettes or other tobacco. Additionally, once the law takes effect on January 1, 2009, tobacco vending machines in on-premise liquor establishments will be permitted **only** if under the direct supervision of the owner or an employee over 18 years of age.

Illinois ranked 7th in the nation for tobacco compliance rates

Annually, the Commission is federally required to test tobacco retailers for compliance to minimum-age tobacco laws. Currently, Illinois' 93.6 percent compliance rate is 7th in the nation. In large part, the success of the state's ability to achieve these federal Synar Regulations can be attributed to the success of the Commission's Tobacco Enforcement Program.

In 1993, Synar Regulations requiring all states to reduce the sale of tobacco products to minors were introduced and subsequently the Commission was designated as the state agency responsible for complying. Failure to achieve these regulations can result in a reduction of the state's Substance Abuse Prevention and Treatment Block Grant funding. In Illinois, this represents a potential \$27 million loss.

Smoke-Free Illinois Act reduces tobacco retailers within TEP participants

On January 1, 2008 the Smoke-Free Illinois Act was enacted. One outcome of the Act is a decrease in the number of tobacco retailers found within communities participating in the Commission's Tobacco Enforcement Program. The decrease can't be completely attributed to the smoking ban, but based on conversations with TEP participants it appears the Act has had an effect.

Retailers participating in TEP before and after Smoke-Free Illinois Act was enacted

Where sold:	FY 2008	FY 2009	Difference
Over the Counter	8,270	7,676	-594 (7.20%)
Vending Machine	419	294	-125 (29.8%)
Total	8,676	7,970	-706 (8.1%)

The table above contains only TEP participants enrolled in both the FY 2008 and FY 2009 programs. It should also be noted that several communities did not reapply in FY 2009 because they lost



A consistent fact of the program is that compliance rates are directly linked to the level of interaction a clerk initiates with underage customers. Specifically, during the past year if the clerk did not verify the customer's age the Retailer Violation Rate (RVR) was an alarming 52.6 percent. In all other purchase attempts when the clerk did attempt to verify the customer's age the RVR was at the most only 3.0 percent.

Bottom line – Ask to see an ID.

all or a substantial number of their tobacco retailers. However, a record number of grants were issued (225) and communities participating (300) this year.

FY 2009 TEP now includes enforcement of local possession laws

As a result of nationwide successes to reduce youth access to tobacco through retail compliance checks, social source access to tobacco is beginning to attract more attention.

In Illinois, one way to respond to this shift is through the enforcement of local possession laws. While it is illegal for minors to purchase and/or individuals to sell tobacco products to minors, it is not illegal for minors to possess tobacco products per Illinois law. Communities were selected as into the pilot program if they have a Retailer Violation Rate history of 90 percent or higher and if they have a local possession law.

To participate in the pilot, one of the three rounds of compliance checks will be eliminated and replaced with possession enforcement. Minors found in possession of tobacco products will be provided with information to receive assistance in quitting through the Illinois Quit-Line and/or various levels of adjudication.

Order your Tobacco Kit today!

The Tobacco Retailer Kit is designed to provide additional support to community leaders and retailers in their effort to facilitate compliance to minimum-age tobacco laws.

The kit includes a review of state minimum-age tobacco laws, required signage, training guides for managers and clerks on age verification techniques, and various point-of-sale posters that bring a humorous tone to the issue of age verification. In addition, the kits are effective in reducing the number of requests made by underage minors and reduce the anxiety clerks commonly feel when asking customers for age verification.



To order your Tobacco Retailer Kit, please call 312.814.6884 or visit www.state.il.us/LCC/tobacco



Over service can hurt business

By Lee J. Roupas, ILCC BASSET Program Manager



Liquor-serving establishment owners and the public should be aware of the devastation caused by over serving alcohol.

There is a law written that prohibits the sale and service of alcohol to visibly intoxicated patrons. When this law is not followed, it can

be tragic. The results can lead to drunken driving deaths, injuries, and property damage.

Breaking the law by over serving can lead to a fine, suspension, or loss of your liquor license. But there is another consequence that can devastate a business owner: Over service can negatively impact business. Liquor license holders are at risk of losing customers and ultimately business.

When patrons are over served alcohol, they can display inappropriate behavior that contributes to an unpleasant atmosphere and distracts other customers from enjoying themselves. When intoxicated patrons cause a disturbance,

they become a nuisance to other customers who are consuming alcohol responsibly.

Obnoxious behavior can cause other customers to leave the establishment without purchasing food and additional beverages. It also prevents the ability to attract repeat customers. Additionally, establishments with a bad reputation for over serving — and with numerous alcohol-related conflicts — discourage other potential customers from patronizing a place of business.

The vast majority of customers visit a liquor serving establishment in the hopes of enjoying a nice evening with friends. Serving alcohol responsibly can increase business.

When servers attend seller/server training, they are trained to look for behavioral cues and to spot signs of intoxication. Proper training allows servers to be more responsive to their customers. The server will be more observant to customers' needs for another drink, more food, or getting the bill to them in a timely manner. Customers will not feel ignored. Good customer service and responsible alcohol service are synonymous.

Call 312.814.0773, or visit the web at www.state.il.us/LCC/Basset, to learn more about how BASSET training can help retain customers, increase business, and allow for greater server tips.

Order your 2009 Proof of Age signs



Oder your 2009 Proof of Age signs by visiting www.state.il.us/LCC/AgeSign09.asp today! **These signs will also be available in Spanish for the upcoming year!** Please note, if placing an early order, the 2009 Proof of Age signs will not be delivered until mid-December.

Updated Local Liquor Commissioner's Handbook now available

The *Local Liquor Commissioner's Handbook* has been updated and is now available for order free-of-charge. This publication is designed to ensure compliance with the Illinois Liquor Control Act and Rules & Regulations of the Illinois Liquor Control Commission as well as all local liquor ordinances on all levels of government.

By utilizing this Handbook, Local Liquor Commissioners can promote their local economy while, at the same time, ensure a safer community.

If you are a mayor, police chief, city manager, village trustee, or county chair, you can order this book by visiting the web at www.state.il.us/LCC and clicking on the link located in the "Latest News" on the right side of the screen. Please note, while most liquor-related issues affecting local governmental jurisdictions are addressed in the Handbook, local officials should contact the Legal Division at 312.814.4801 if uncertain about a specific legal issue.



BASSET training equips servers with verbal communication skills

By Lee J. Roupas, ILCC BASSET Program Manager

Possessing adequate verbal communication skills is essential for servers in the event a customer they are serving becomes intoxicated, or enters their establishment already intoxicated.

Beverage Alcohol Seller and Server Education and Training (BASSET) can enable servers to assess their customers and situations in their work areas. They can spot signs when a customer has over consumed alcohol, therefore are trained to intervene when necessary. Intervention involves discontinuing service, diplomatically explaining to the customer why they have to stop service and taking steps to prevent alcohol-related consequences.

BASSET training programs incorporate role playing in their classroom settings to train and give servers verbal communication techniques that will prevent further service and possibly prevent alcohol-related tragedies.

Here are statements servers can make when dealing with customers:

- “It is company policy to serve responsibly, the owner can lose his liquor license or business.”
- “I am sorry I can’t serve you, I don’t want to lose my job.”
- “I cannot serve anymore alcohol; can I get you a cup of coffee or any food?”
- “There are cameras all over and if my boss sees or thinks I am over serving, I can get fired.”

Updated cashmat available

To assist licensees in identifying underage ID cards, the Liquor Commission has developed a countertop mat, or cashmat, to be placed wherever alcohol is sold. Entitled “It’s a 2-way street...” one side of the mat is oriented toward the cashier, showing the different types of “Under 21” cards available in Illinois and the penalties involved in “selling” alcohol for underage consumption. The other side faces the customer, and details the penalties involved if “buying” alcohol for underage consumption.

The cashmat includes the latest design changes to the cards issued by the Illinois Secretary of State’s Office earlier this year. Please note, drivers’ licenses and ID cards with the

New licensed BASSET providers

East Bank Club
Holiday Inn and Suites
MSG Chicago



- “Let’s call it a night, we will be open again tomorrow night.”
- “I am sorry I cannot serve you but if you would like, I can call you a cab to get you home safely, but if you leave and decide to get in your car, you leave me no choice to call the police.” “What would you like me to do?”

Tips when confronting patrons:

- Be firm and diplomatic.
- Avoid conflict escalation.
- Do not be judgmental by making a statement such as, “You are drunk!”
- Offer alternative food or beverage.
- Offer to find alternative transportation to get the person home safely.



previous design remain valid until the indicated expiration date.

Additionally, cards for drivers under the age of 21 remain vertically oriented, however, “Under 21” horizontal cards issued prior to 2005 remain valid until the indicated expiration date.

To order the 15x10 inch mat for your establishment (shown above), please visit www.state.il.us/LCC/mat.asp or call 312.814.4802.

Illinois Liquor Control Commission



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Order your FREE ILCC materials today!

The following FREE Liquor Commission materials are available to all licensees by visiting the web at www.state.il.us/LCC/IEmaterials.asp or calling 312.814.4802:

- Illinois Liquor Control Act and ILCC/BASSET Rules and Regulations.
- "Happy Hour Law" and "Just the Facts" fliers.
- Alcohol "Proof of Age" and "Pregnancy Warning" signs.
- BASSET Program Brochure and Age-Verification Guide.
- "We Card Hard" decal and Liquor Licensee Employee Training Guide.

Lottery sales, commissions reach record heights



Illinois Lottery sales rose 2.82 percent in Fiscal Year 2008 to \$2.078 billion—the highest single-year sales ever recorded! Lottery retailer commissions also reached new heights, topping \$103.9 million for the first time ever.

There are hundreds of liquor stores and bars across Illinois that sell Lottery products. In addition to paying a **5 percent commission** on every sale (nearly \$12,000 per retailer, on average), the Lottery also pays **winning-ticket bonuses** to thousands of retailers every year. These bonuses equal 1 percent of any winning ticket (\$1,000 or more) sold by a retailer. The largest single, winning-ticket bonus in FY08 went to a Shell station in Streamwood, which received a \$500,000 bonus for selling a Mega Millions grand-prize ticket.

Lottery products are a nice fit for most bars and packaged liquor stores. If you own such a business and don't already sell Lottery, you may want to join the ranks of Lottery retailers. Applying is easy, and only costs \$50. You may download an application at the Lottery's website — www.illinoislottery.com. You will find the application at the bottom of the Lottery's Frequently Asked Questions page.

