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BEFORE THE  
LIQUOR CONTROL BOARD  
STATE OF WASHINGTON

IN THE MATTER OF THE CITY OF  
OLYMPIA’S PETITION TO AMEND THE  
BANNED PRODUCT LIST OF THE  
DOWNTOWN ALCOHOL IMPACT AREA

DECLARATION OF BRIAN D WILSON

I, Brian Wilson, declare as follows:

I am the downtown code compliance officer and downtown liaison for the City of  
Olympia. I am over the age of 18 and competent to testify.

My position with the City involves enforcing several sections of the Olympia Municipal  
Code and acting as a liaison between the City Council and downtown community members such  
as the Parking & Business Improvement Area board, Olympia Downtown Association,  
Downtown Neighborhood Association, and downtown visitors. Our downtown faces a variety of  
economic, social, and criminal challenges. As downtown Olympia plays a significant role in both  
our regional history and local economy, it has become a top priority for City Council.

City of Olympia’s Downtown Project is a multi-pronged approach toward accomplishing  
our City Council’s goal to “create a safer, more welcoming downtown for all.” This citywide  
effort includes a multitude of different efforts that break this goal into four distinct categories:

1 Clean, Safe, Economic Development, and Designing Public Spaces with Community-Wide  
2 Appeal.

3         The Alcohol Impact Area (AIA) is a key piece of the puzzle in creating a safe downtown  
4 for all individuals. The reasoning behind the pursuit of an AIA was based on the proven success  
5 of other cities using the same tool to address similar problems with criminal activity including  
6 drinking in public, litter, and nuisance behavior influenced by inebriation. After an extensive  
7 data collection process which included a litter study, police reports, medical reports, and  
8 testimony from city officials and business owners alike, the Washington State Liquor Control  
9 Board voted unanimously to officially recognize the petitioned AIA in downtown Olympia. The  
10 product ban became effective on February 15, 2014.

13         While drinking in public occurs year round in downtown Olympia, the summer months  
14 tend to have the highest amount of illegal activity due to an increased amount of people visiting  
15 the area. City staff were curious to see if Olympia's limited amount of banned products would  
16 have as much effect in reducing chronic public inebriation compared to Seattle, Tacoma, and  
17 Spokane. Thus, staff began collecting police and litter data in the early summer months. Detailed  
18 analysis can be found included in this packet.

20         These results of the litter survey are easily explained by comparing the 2013 and 2014  
21 datasets. Of the 351 containers found in the litter survey, only 17% were products on the banned  
22 list. In the 2013 litter survey, those products represented 61% of the total number of found  
23 containers. Considering that the survey was conducted only four months after the ban took effect,  
24 this drop in the banned products is significant. Unfortunately, the drop in ban-eligible products  
25 was less significant demonstrating that chronic public inebriates merely switched to other high-  
26 alcohol brands. The biggest example of this can be shown by comparing the number one found  
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28

1 brands from year to year. In 2013, 32.5% of the found containers were Steel Reserve. In 2014,  
2 Steel Reserve only represented 5.1% of the total sample. The most common found product in this  
3 year's survey was Ice House, a product banned in Seattle, Tacoma, and Spokane, representing  
4 26.4% of found containers. In 2013, Ice House only represented 4.2% of the total sample.

5  
6 Arrest data also show that public drinking did not significantly decrease after the AIA  
7 took effect. Between 2/15/13 and 7/31/13, police made 73 drinking in public arrests. In 2014,  
8 between the same dates, there were 69 drinking in public arrests. Other cities with WSLCB  
9 recognized AIAs have seen sharp decreases in drinking in public arrests after establishing their  
10 respective AIA.

11  
12 After reviewing the comprehensive beer/wine litter survey and arrest data results, it is  
13 apparent, beyond a reasonable doubt, that downtown still has a public drinking problem. Despite  
14 increased police walking patrol presence and 7 day/week downtown ambassador clean team  
15 services, we still located over 80 containers every single day we conducted a full search. Over  
16 50% of the found containers were brands that are eligible to be added to be added to the  
17 recognized banned product list per WAC 314-12-215(3)(d).

18  
19 This evidence clearly shows that banning a limited number of brands leads to public  
20 drinkers to switch to unbanned products. Thus, the only way to test the effectiveness of an  
21 alcohol impact area is to ban all known high-alcohol, low-cost products.

22  
23 WAC 314-12-215(3)(e) reads:

24 "Upon board approval and upon an individual product by individual product basis, a local  
25 authority may restrict a product that is already restricted in another board-recognized alcohol  
26 impact area provided that a product is significantly materially similar (for example, comparable  
27 alcohol percent content, container size or liquor category such as alcoholic energy drinks) to  
28

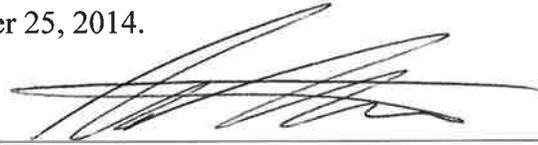
1 products already restricted in its own alcohol impact area. Upon board approval and upon an  
2 individual product by individual product basis, a local authority may also restrict a product that is  
3 significantly materially similar to products already restricted in its own alcohol impact area. In  
4 both cases, a local authority must demonstrate to the board, in writing, the material similarities  
5 and need for product inclusion, but the board will not require a local authority to submit  
6 extensive documented evidence as described in (c) of this subsection.”

8           Despite not being required to submit as extensive evidence as required when petitioning  
9 to establish an alcohol impact area, the City of Olympia allocated the resources to obtaining  
10 enough data to thoroughly support the case for amending the banned products list. All products  
11 in Olympia’s proposed amendment are ban-eligible based on the definition in WAC 314-12-  
12 215(3)(e). All 55 products are either already banned in other WSLCB recognized Alcohol Impact  
13 Areas or exceed the minimum alcohol by volume percentages defined in WAC 314-12-  
14 215(3)(d).

17           In review, the downtown Olympia AIA is an important tool for helping accomplish the  
18 Council’s goal of creating a clean and safe environment for all to enjoy in downtown Olympia.  
19 During the original petition process, it was clear that our City Council, city staff, and downtown  
20 business community supports having a WSLCB recognized AIA in downtown Olympia. Public  
21 inebriation remains a problem and is both a health and safety risk to our downtown. AIAs have  
22 shown to be very effective in other municipalities. The City anticipates this will also be the case  
23 for Olympia if the board approves the petition to add the proposed amended products. Thank you  
24 for your consideration of our request.

26           I certify under penalty of perjury under the laws of the State of Washington that the  
27 foregoing is true and correct.  
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Signed at Olympia, Washington on November 25, 2014.



Brian Wilson

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