

**AGENDA
BOARD MEETING
WA STATE LIQUOR CONTROL BOARD
Wednesday, August 19, 2009
Headquarter Building
3000 Pacific Ave, Olympia WA 98504**

10:00 a.m.

- 1. Labeling Issue Paper and Interim Policy ApprovalAlan Rathbun**
- 2. Tacoma Alcohol Impact Area
Staff Findings and Draft Resolution for Review..... Alan Rathbun**
- 3. New Spirit Listings/RejectionsSteve Burnell**
 - o One Time Only Listings**
 - o Spirit Size Extensions**
- 4. New Business.....Board Members**
- 5. Old Business.....Board Members**

Recess/Adjourn

**OFFICE OF THE
WASHINGTON STATE LIQUOR CONTROL BOARD
Board Meeting Minutes – August 19, 2009**

Board Chair Sharon Foster called the regular meeting of the Washington State Liquor Control Board to order at 10:02 a.m., on Wednesday, September 2, 2009 in the Boardroom, 3000 Pacific Avenue SE, Olympia, Washington. Board Member Ruthann Kurose was present.

Employee Recognitions – Jonathan Harkness / Theresa Grant-Duggins

Retail Employee recognitions were given.

Liquor Control Board Interim Policy #09-2009 – Sue Reams

During the Washington State Liquor Control Board's priorities in government exercise, the Licensing and Regulation Division identified "label approval" as a task or work process that could potentially be eliminated due to the federal Certificate of Approval wine and beer label approval process that already exists. Complaints could still be received about labels or packaging, but would be sent to Enforcement for determination of a violation. State law does not require that the Licensing and Regulation Division review and approve all beer and wine labels, but does outline requirements for elements to be included on labels.

Because two positions were cut in the Licensing Division Non-Retail Licensing Program and federal label approval exists for beer and wine, this policy ends the state label and packaging approval process and accepts federal Certificate of Label Approval (COLA) as state approval for beer and wine labels and packaging. Rules will be promulgated to change the process to acceptance of the COLA as adequate approval. Complaints can still be received by the agency and investigated if allegations that non-COLA approved beer and wine are being sold. (See attachments).

This interim policy will be effective upon Board adoption and will stay in effect until superseded by rule or rescinded by the Board.

Board Member Kurose asked for comments from those present in the industry. Comments were supportive of the Interim Policy.

Board Member Ruthann Kurose moved to making changes to the Washington State Label Approval Program and the process for Fortified Wine tax collection as presented. Board Chair Sharon Foster seconded the motion. The Board unanimously approved the Interim Policy as presented.

Tacoma Alcohol Impact Area Staff findings and Draft Resolution for Review – Alan Rathbun, Director of Licensing

The City has asked that several items which are no longer available be removed from their banned product list as well as additional items be added. On September 2, 2009, the City of Tacoma will make formal comment to the Board.

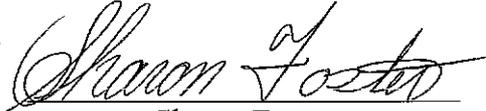
Potential One Time Only Listings and Rejections– Steve Burnell, Marketing Manager

Steve Burnell made recommendations as explained in the August 19, 2009 memo on potential new listings and rejections (see attachment). The Board members unanimously approved the recommendations.

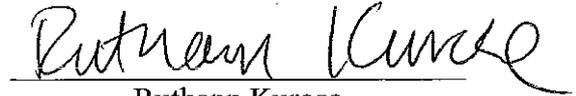
Potential Size Extensions – Steve Burnell, Marketing Manager

Steve Burnell made recommendations as explained in the August 19, 2009 memo on potential new listings and rejections (see attachment). The Board members unanimously approved the recommendations.

The Board Meeting was adjourned at 10:35 a.m.



Sharon Foster
Board Chair



Ruthann Kurose
Board Member



Washington State
Liquor Control Board

Liquor Control Board Interim Policy #09-2009

Subject: Making changes to the Washington State Label Approval Program and the process for Fortified Wine tax collection

Effective Date: August 19, 2009

Ending Date: Until superseded by rule or rescinded by the Board

Approved:

Handwritten signature of Sharon Foster in cursive script.

Sharon Foster, Board Chairman

Handwritten signature of Ruthann Kurose in cursive script.

Ruthann Kurose, Board Member

BACKGROUND

During the Washington State Liquor Control Board's priorities in government exercise, the Licensing and Regulation Division identified "label approval" as a task or work process that could potentially be eliminated due to the federal Certificate of Approval wine and beer label approval process that already exists. Complaints could still be received about labels or packaging, but would be sent to Enforcement for determination of a violation.

State law does not require that the Licensing and Regulation Division review and approve all beer and wine labels, but does outline requirements for elements to be included on labels.

PURPOSE STATEMENT

Because two positions were cut in the Licensing Division Non-Retail Licensing Program and federal label approval exists for beer and wine, this policy ends the state label and packaging approval process and accepts federal Certificate of Label Approval (COLA) as state approval for beer and wine labels and packaging. Rules will be promulgated to change the process to acceptance of the COLA as adequate approval. Complaints can still be received by the agency and investigated if allegations that non-COLA approved beer and wine are being sold.

FORTIFIED WINE TAXATION (RCW 66.24.210(4))



RCW 66.24.210(4) imposes a higher tax on fortified wine. Currently, the agency uses the Label Approval Web site to track production of wines over 14 percent alcohol by volume due to natural aging (not fortified). This policy proposes to change the tracking of non-fortified higher-alcohol wine to one of tracking actual fortified wine produced to assess the higher tax rate, and to adopt rules making this change.

POLICY STATEMENT

The WSLCB permits the federal Certificate of Label Approval (COLA) as approval for beer and wine to be sold in the state of Washington and the label approval program to cease approving labels. Labels and information that is in the Price Posting system will remain in the system, although the link for external customers to post labels will be removed from the agency external Web site.

The Board also approves changing the exception to fortified wine information collected by Finance to instead collect information on producers of fortified wine for taxation purposes.

POLICY DURATION

This interim policy will be effective upon Board adoption and will stay in effect until superseded by rule or rescinded by the Board.

WACS TO BE CHANGED OR UPDATED

314-24-040 Wine Labels – Certificate of label approval required – Labels to be submitted
314-20-050 Alcoholic content
314-24-080 Containers – Sizes and types permitted
314-24-090 Wine labels
314-20-020 Beer labels
314-20-030 Packages

POLICY IMPLEMENTATION

Upon approval and signature of the Washington State Liquor Control Board.

ATTACHMENTS

1. Label Approval Issue Paper presented to the Board on August 19, 2009
2. Related Beer/Wine RCW and WAC List





Washington State Liquor Control Board

3000 Pacific Ave SE • PO Box 43075 Olympia WA 98504-3075 • (360) 664-1600

A RESOLUTION OF THE WASHINGTON STATE LIQUOR CONTROL BOARD RECOGNIZING THE CITY OF TACOMA'S PROPOSED UPDATE AND CONSOLIDATION OF BANNED PRODUCTS LIST

Whereas, the Board recognizes its statutory mandate to protect the public's welfare, health, peace, and safety, and its responsibility to work with communities to help mitigate negative impact of chronic public inebriation associated with the sale of alcohol by the businesses it regulates.

Whereas, in recognition of this mandate, in 1999, the Liquor Control Board adopted the Alcohol Impact Area rules, Washington Administrative Code (WAC) 314-12-210 through WAC 314-12-225. These rules establish a framework for the Liquor Control Board, working in partnership with local government and community organizations, to mitigate the negative impacts that result from the presence of chronic public inebriation. Preventing and reducing the harm caused by untenable alcohol consumption requires a comprehensive, multi-dimensional response by neighborhood residents, businesses, and government agencies, including coordinated treatment services, health care, housing services and vocational training. Mandatory restrictions on alcohol sales imposed by the Board are a key element in the effort to mitigate the negative impacts of chronic public inebriation.

Whereas, WAC 314-12-215 sets forth the requirements that the government subdivision must satisfy in order for the Liquor Control Board to recognize the proposed Alcohol Impact Areas.

Whereas, the city of Tacoma's request meets the requirements for Board recognition, as outlined in WAC 314-12-215 includes findings of fact pertaining to the presence of chronic public inebriation. Data submitted by the city of Tacoma finds that crime statistics, police reports, emergency response data, sanitation reports, and public health records demonstrate that chronic public inebriation and illegal activity associated with alcohol sales and consumption within the Downtown Core and the Lincoln District continue to contribute to the deterioration of the general quality of life within these areas.

Whereas, the City of Tacoma requests that the Liquor Control Board impose mandatory restrictions on the off-premises sale of alcohol by licensees in the Downtown Core and Lincoln District Alcohol Impact Areas. Specifically, the city requests no sales of certain low cost/high alcohol content beer and wine products identified by a banned products list. This request modifies Board recognition of the Downtown Core adopted December 12, 2001 and all subsequent amendments, and modifies Board recognition of the Lincoln District adopted July 16, 2008 and all subsequent amendments.

Whereas, in reaching our decision, the Board has duly considered the city of Tacoma's April 30, 2009 request to consolidate and update the Banned Products List, written comments received from stakeholders and the public regarding Tacoma's request, and LCB staff presentation at a public work session August 19, 2009.

Now therefore, be it resolved,

Section 1 The Board resolves to impose the following mandatory restrictions requested by the city of Tacoma, to take effect October 15, 2009.

No sales of the following beer and wine products listed. All flavors, alcohol content, and container sizes of the following named products are hereby banned from off-premise sale by licensees in the Downtown Core and Lincoln District Alcohol Impact Areas.

<u>Wine</u>	<u>Beer and Malt Beverages</u>	<u>Beer and Malt Beverages (cont.)</u>
Cisco	3 Sum	Mike's Harder Lemonade
MD 20/20	Big Bear	Mickey's Iced Brewed Ale
Night Train Express	Bud Ice	Milwaukee Best Ice
Richard's Wild Irish Rose	Bull Ice	Milwaukee Best Premium Ice
Thunderbird	Busch Ice	Molson Ice
	Camo	Natural Ice
	Colt 45 Ice	Old Milwaukee Ice
	Colt 45 Malt Liquor	Olde English 800
	Core High Gravity	Olde English HG 800
	Four Loko	Rainier Ale
	Four Max	Rize Up!
	Hard Wired X	Red Dog
	Hurricane High Gravity	Rock Star 21
	Hurricane Ice Malt Liquor	Schlitz High Gravity
	Ice House	Schmidt's Ice
	Joose	Sparks
	Keystone Ice	Special 800 Reserve
	King Cobra Malt Liquor	St. Ide's Special Brew
	Labatt Max Ice	Steel Reserve
	Liquid Charge	Tilt

The Board resolves that these restrictions are reasonably related to addressing the problem of chronic public inebriation demonstrated to exist within the defined Alcohol Impact Areas.

The Board further resolves that such restrictions are a reasonable control measure aimed at mitigating the negative effects of chronic public inebriation, and are necessary to augment the city of Tacoma's efforts to address such problems within the defined Alcohol Impact Areas.

Section 4 The city of Tacoma shall submit annual updates of data demonstrating how the restrictions imposed by this resolution have mitigated the negative impacts associated with chronic public inebriation within the recognized Alcohol Impact Areas. The first report for the Lincoln District to the Director of the Board's Licensing and Regulation Division is due by September 30, 2009.

Signed and Dated: September 2, 2009

Sharon Foster
Chair

Ruthann Kurose
Board Member



Adoption of the city of Tacoma's Request to Consolidate and Update Banned Products List in Alcohol Impact Areas

Date: August 19, 2009

Presented by: Alan E Rathbun, Director
Licensing and Regulation Division

Problem or Opportunity

Briefly describe the business problem to be solved or opportunity to be gained. Please include a description of what will happen if we take no action to address this problem or opportunity.

The purpose of this issue paper is to facilitate a decision by the Board regarding the city of Tacoma's request for consolidating the two existing Banned Products Lists, and update the consolidated banned products to align with marketing trends. Nine malt beverages and one wine will be removed; thirteen malt beverages will be added.

Standardizing the Banned Products List will improve the distributors and retailers ability to comply with the restrictions. This action will also enhance the effectiveness of law enforcement and community group activities who work hand-in-hand to protect public health and safety.

Background

Briefly describe what led to this problem or opportunity. What has been LCB's action to date? Are there relevant RCWs, WACs, or policies that apply?

The city of Tacoma was the first local jurisdiction to participate in the Alcohol Impact Area partnership with the LCB. March 1, 2002, the Downtown Core Alcohol Impact Area was recognized by the Board. October 1, 2008, the Board recognized the Lincoln District Alcohol Impact Area. The city, in partnership with local community groups, continues to actively monitor these areas for compliance. As a result of their dedication to the quality of life within the Alcohol Impact Areas modifications to banned products list have occurred twice over the life of the recognitions.

May 7, 2009, the Board received a formal request from the city's chief of police to; a) consolidate the two Banned Products Lists into one uniform list, b) remove products whose impact on the local communities no longer warrant restriction since they are no longer available in the marketplace and, c) add new products that are not currently restricted, but are similar in material respects to those already prohibited.

Compliance checks and activities related to the city's law enforcement and fire departments are the most effective tools available to monitor activities. Analysis of these activities clearly demonstrates two primary issues; 1) the static form of the banned products list hampers the local jurisdiction's ability to respond quickly in a rapidly expanding marketplace, 2) the relative proximity of the two geographical areas with different banned products makes compliance and enforcement difficult for law enforcement, community groups, retailers, distributors, and customers who wish to consume these products.

These obstacles have created distinct changes in compliance and law enforcement statistical data. While the Lincoln District has enjoyed substantive statistical improvement since the inception of the Alcohol Impact Area October 2008, the Downtown Core has experienced a slight uptick in illegal activity and use of city services related to medical needs. The uptick in the downtown core could be related to declining city resources, but the complexity of two banned products lists is also a prominent contributing factor. As city resources become more strained the consolidated banned products list would represent frontline assistance.

Did the city of Tacoma demonstrate there is a pervasive pattern of chronic public inebriation in the Downtown Core and the Lincoln District?

Tacoma provided several layers of statistical analysis and geographic illustrations (maps) depicting alcohol related calls for service and alcohol related crime. These illustrations compared the downtown core and the Lincoln District to the entire city of Tacoma.

- Tacoma Police Department (TPD) Crime and Incident data measures "Drunk in Public", "Liquor in the Park", and "Minor in Possession" activities occurring in both Alcohol Impact Areas for 2007 through 2009 (August 1 through April 30 for each period).
 - ⇒ Tacoma statistics demonstrate an overall increase of 7.5% of 2008-2009 over 2007-2008 data. This increase reflects combined total activity in both of the Alcohol Impact Areas.
 - ⇒ Standalone year-over-year analysis of each Alcohol Impact Areas TPD activities compared to the city's total activity tells a slightly different story.
 - ✓ The downtown core experienced a year-over-year increase in the combined measured activities of 25.7%.
 - "Drunk in Public" represents 29.3% of the increase while "Liquor in the Park" characterizes 60% of the increase.
 - The good news; "Minor in Possession" declined 3.6%; one incident less in 2008-2009.
 - ⇒ The Lincoln District enjoyed a year-over-year decrease in all of the measured activities of 10.3% combined.
 - ✓ "Drunk in Public" declined 6.1%; "Liquor in the Park" declined 33.3%; "Minor in Possession" declined 33.3%.
- Tacoma Fire Department (TFD) EMS Density – Comparative data for 2006 through 2009 measuring both of the existing areas aligned with the city's total incident count as the baseline.
 - ⇒ The city experienced a bump in the total numbers of EMS incidents between 2006 and 2007. In 2007 incident rates increased 4.79% over 2006; 2008 incidents decreased 7.32% over 2007, resulting in a cumulative decline of 2.53% from 2006 to 2008.
 - ⇒ The existing Alcohol Impact Areas experienced a slight year-over-year cumulative decrease in TFD EMS incident activity as a percentage of the total activity in the city. 2007's incident count declined 0.6%, 2008's incident count declined 0.5%.
 - ⇒ Standalone year-over-year analysis of the individual Alcohol Impact Areas' EMS activities compared to the city's total activity tells a slightly different story.
 - ✓ The downtown core's contribution to total activity over the 3-year period reflects an increase of 5.2%.
 - ✓ The Lincoln District experienced a 6.3% decrease during the same period of time.

The disparity between TPD and TFD activities in the Downtown Core and the Lincoln District appear to reveal the focus of city resources and community involvement. The seemingly additional focus in the Lincoln District may have been the result of one year of voluntary compliance efforts in 2007, and the subsequent board recognition of mandatory restrictions in 2008.

Did the city of Tacoma find that the off-premises sale of the alcohol products on the proposed banned products list is reasonably linked to the problems associated with chronic public inebriation?

The city provided statistical data, law enforcement testimonials, community group testimonials, and litter patrol data to support the request to consolidate the existing Banned Products Lists. Additional data provided supports the modification of the proposed consolidated list to remove products no longer available in the marketplace, and supports addition of thirteen low-cost high-alcohol products currently available for public consumption.

Community groups continue to be active participants monitoring compliance and providing critical data supporting the efforts of the city. They have implemented regularly scheduled litter patrols, and during the patrols they are observing the movements of the transient population. Their focus is on the hot spots where consumption is most frequent. These hot spots are primarily in the vicinity of public parks and public schools.

- Kevin VanderVaate – November 4, 2008:
“ . . . Must have been payday . . . most (cans) were found around Lincoln Park by the bathrooms and by the market off of Pacific around the abandoned houses.” Note: He picked up 54 empty cans before Noon that day.
- Jeanie Peterson, Director of Community Initiatives for Hilltop Action Coalition – November 24, 2008:
“Limpy, the B/M who is dealing on 32nd and Portland was drinking the most.”
- Bob McCutchan, Community Liaison to Kevin VanderVaate – October 8, 2008 6:03 P.M.:
“Are you seeing less transients around the park and behind the Red Dragon?”
Response 7:06 P.M. – “Definitely. . . Partly because of the weather though. But i(t) has been a lot more quiet.”

Recommendations

State your recommendation and explain why. What alternatives did we review? What are the benefits and drawbacks? What are the potential risks associated with addressing the problem or opportunity.

Consolidate and Update Banned Products List

Licensing and Regulation recommends approval of the city of Tacoma’s request for formal recognition of the consolidated Banned Products List, including the requested updates. The City of Tacoma has demonstrated with crime statistics, police reports, and emergency response data, personal declarations by Tacoma Police officers, and litter patrols that the Downtown Core and the Lincoln District have a pervasive pattern of problems associated with chronic public inebriation.

Products to be Removed (No longer available in Alcohol Impact Area per TPD)		
Brand	Alcohol Content	Package/Flavor
Hamm’s Ice Brewed Ale	6.1%	All
Hamm’s Ice Brewed Beer	6.1%	All
Lucky Ice Ale Premium	6.1%	All
Lucky Ice Beer	6.1%	All
Magnum Malt Liquor	5.9%	All
Miller High Life Ice	5.9%	All
Olympia Ice	6.1%	All
Pabst Ice Ale	5.9%	All
Red Bull Malt Liquor	7.0%	All
Gino’s Premium Blend Wine	14.0%	All

Products to be Added		
Brand	Alcohol Content	Package/Flavor
3 Sum	6.0%	All

Products to be Added (continued)		
Package/Flavor	Package/Flavor	Package/Flavor
Big Bear	7.5%	All
Camo	8.0% - 10.7%	All
Core High Gravity	10.0%	All
Four Loko	12.0%	All
Four Max	10.0%	All
Hard Wired X	6.9%	All
Joose	9.9%	All
Labatt Max Ice	7.1%	All
Liquid Charge	6.9% - 8.5%	All
Mike's Harder Lemonade	8.0%	All
Molson Ice	5.6%	All
Natural Ice	5.6%	All
Rainier Ale	7.3%	All
Rize Up!	7.0%	All
Schlitz High Gravity	8.5%	All
Tilt	6.6% - 8.0%	All

Mandatory Restrictions Request:

Prohibit the off-premises sale of certain beer and wine products as identified by a banned products list in the Downtown Core and Lincoln Districts.

Licensing and Regulation Division recommends that the Board approve the request to ban the off-premises sale of certain beer and wine products identified by the consolidated and updated banned products list. We believe the city of Tacoma's request shows that the sale of these of high-alcohol content, low-cost beer and wine products are reasonably linked to the chronic public inebriation problems in the existing Alcohol Impact Areas.

Benefits	Drawbacks
<ul style="list-style-type: none"> ▪ More consistent enforcement activities 	<ul style="list-style-type: none"> • As in the past, we may receive objections from retailers related to negative economic impact
<ul style="list-style-type: none"> ▪ Community groups can avoid confusion of different banned products 	
<ul style="list-style-type: none"> ▪ Distributors and retailers can more easily comply with a consolidated list 	
<ul style="list-style-type: none"> ▪ Monitoring of consumer activities will be more productive 	
<ul style="list-style-type: none"> ▪ Assist the city in maximizing available resources 	

Benefits	Drawbacks
<ul style="list-style-type: none"> ▪ Remove products that are no longer available in the market ▪ Add similar products that are currently available in the market to maintain momentum of activities that protect health and welfare of the community 	

Expected Results

Describe the business objectives or outcomes expected. Make your objectives specific, measurable, attainable, realistic, and time-bound.

WAC 314-12-210(c) outlines the Board's role in support of local jurisdiction's initiatives to improve the quality of life in their communities. This rule states *"The purpose of these rules concerning chronic public inebriation and alcohol impact areas is to establish a framework under which the board, in partnership with local government and community organizations, can act to mitigate negative impacts on a community's welfare . . ."*

The expectation is that the Board will adopt the city's request in compliance with WAC 314-12-210(2)(c); *"Allow the board, in specific circumstances, to restrict the off-premises sale of certain alcohol products or alcohol product containers inside a recognized Alcohol Impact Area."*

Estimated Cost and Timeframe

Describe the estimated cost to address this problem or opportunity. Will there be any costs for equipment, travel, staff hours, training, systems, etc. Please include fiscal impacts to other divisions and stakeholders as well. Indicate the estimated timeframe you are thinking about having this start and finish.

Date	Activity	Current Status
8/4/2009	Submit licensee/distributor notice to Printing; postmark no later than 8/7/2009. Post to web for interested party education	Completed
8/5 – 8/26/2009	Solicit public comment regarding proposal.	Active
8/19/2009	Present preliminary issue paper to the Board for their review and comment	Scheduled
9/2/2009	Present issue paper for Board action; city will be present for testimony	Scheduled
10/15/2009	Proposed effective date of consolidated banned product restrictions	

Funding Source

Describe where and how you anticipate funding this project. Also state if taking action is within your current budget allocation. If this produces revenue, where would revenue accrue?

All activities related to the oversight of the Alcohol Impact Areas are included in on-going appropriation.

Stakeholder Impacts

Describe the political, fiscal, and resource impacts this idea will have on internal and external stakeholders.

Identify **internal** stakeholders and get their feedback about how they might be affected.

Stakeholder	Impacts (Political, Resource, Other)
Director's Office	Communication
Licensing	
Enforcement	Enforcement partners with the city to enforce the product restrictions
Human Resources	N/A
Business Enterprise	N/A
Retail	N/A
Purchasing	N/A
Distribution Center	N/A
Administrative Services	N/A
Information Technology	N/A
Contracts Office	N/A
Finance	N/A

Identify **external** stakeholders get their feedback about how they might be affected.

Stakeholder	Fiscal and Resource Impacts
Washington State Agencies	N/A
Prevention	No direct impact to LCB. This is the city's initiative and they will continue their existing partnership with the Prevention Community
Industry	No direct impact to LCB. This is the city's initiative and they will continue their existing partnership with the Industry
Vendors	N/A

Acceptance

Approval by Key Stakeholders for the final Issue Paper

We have reviewed this document and approve resources for project definition:

Approved by	Signature	Date
Name Title		
Name Title		

Note: Approval of this Issue Paper is not authorization to start a project; it is authorization to define the project in more detail.

- Attachments:
- A. Letter of Request from Chief Ramsdell
 - B. Amended Banned Products List from Officer Greg Hopkins
 - C. Declaration of Officer Bert Hayes Survey of New Products Available in the Marketplace
 - D. TPD Alcohol-Related Crime Statistics
 - E. TFD Change in Alcohol-Related EMS Incidents
 - F. Community Reports



City of Tacoma
Police Department

April 30, 2009

WASHINGTON STATE LIQUOR CONTROL BOARD

Attn: Allen Rathburn, Director of Licensing
P.O. Box 43075
Olympia, WA 98504-3075

SUBJECT: PROPOSED CHANGES TO THE TACOMA AIA 2009

Dear Director Rathburn:

The Tacoma Police Department has an ongoing review process of the Tacoma Alcohol Impact areas. During this review, we made observations of Chronic Public Inebriant activity and abandoned alcohol container accumulation. Due to these observations and consultations the Tacoma Police Department has had with numerous community groups and alcohol distributors, we are requesting the following changes to Tacoma's current AIA lists. The goal is to have a standardized list for both of Tacoma's AIA's which is easier to follow for all parties involved. It will also better reflect the current situation involving products and trends in consumption of these products in Tacoma. To that end the City is proposing that some products be added to the restricted list and some products that are no longer available be removed.

WAC 314-12-215 authorizes the Board to restrict products within an AIA. There are two categories of products that the City is requesting that the Board restrict. First, the City is requesting that products that are prohibited in one AIA be prohibited in the other. All of these products have been linked to problems associated with Chronic Public Inebriation and it undermines the effectiveness of both AIA's if a product that has been demonstrated to be a problem in one AIA is permitted to be sold in the other AIA. Additionally, a uniform list will make it easier for distributors to comply with the AIA restrictions.

The other category of products is "new" products that are not currently on the restricted list for either AIA. These products are similar in material respects to those already prohibited. These products may not be different from restricted products except for labeling or other minor differences. The introduction of similar products undermines the effectiveness of an AIA and may facilitate chronic public inebriation and the illegal activity associated with off-premises alcohol sales and/or consumption.

The restriction of all these products is reasonably related to reducing chronic public inebriation or illegal activity associated with off-premises alcohol sales and/or consumption.

3701 South Pine Street ■ Tacoma, Washington 98409-5735

Removal from the current lists		Add to current list	
Hamm's Ice Brewed Ale	Miller High Life Ice	Charge	Big Bear
Hamm's Ice Brewed beer	Olympia Ice	FourMax	Four Loko
Lucky Ice Ale Premium	Pabst Ice	RizeUP	Three Sum
Lucky Ice Beer	Red Bull Malt Liquor	Schlitz HG	Joose
Magnum Malt Liquor	Gino's Premium Blend Wine	Core HG	Camo
		Hard Wired X	Tilt
			Natural Ice

The listed corrections to Tacoma's AIA list provide the public with the needed updates to keep pace with the changing market of products being used within the AIA boundaries.

Sincerely,



Donald Ramsdell
Chief of Police
jb

The mission of the Tacoma Police Department is to create a safe and secure environment in which to live, work, and visit by working together with the community, enforcing the law in a fair and impartial manner, preserving the peace and order in our neighborhoods, and safeguarding our constitutional guarantees

Attachment B

Sample, JoAnn

From: Hopkins, Greg [GHOPKINS@ci.tacoma.wa.us]
Sent: Wednesday, June 24, 2009 10:30 AM
To: Sample, JoAnn
Subject: WSLCB Letter additional products 4-09 (3).doc
Attachments: WSLCB Letter additional products 4-09 (3).doc

JoAnn,
Please consider this our amended banned product list replacing previous documents.
Let me know if you need anything else.
Greg

Purposed changes to the Tacoma AIA 2009

The Tacoma Police Department has an ongoing review process of the Tacoma Alcohol Impact areas. During this review, we made observations of Chronic Public Inebriation activity and abandoned alcohol container accumulation. Due to these observations and consultations the Tacoma Police Department has had with numerous community groups and alcohol distributors, we are requesting the following changes to Tacoma's current AIA lists. The goal is to have a standardized list for both of Tacoma's AIA's which is easier to follow for all parties involved. It will also better reflect the current situation involving products and trends in consumption of these products in Tacoma. To that end the City is proposing that some products be added to the restricted list and some products that are no longer available be removed.

WAC 314-12-215 authorizes the Board to restrict products within an AIA. There are two categories of products that the City is requesting that the Board restrict. First, the City is requesting that products that are prohibited in one AIA be prohibited in the other. All of these products have been linked to problems associated with Chronic Public Inebriation and it undermines the effectiveness of both AIA's if a product that has been demonstrated to be a problem in one AIA is permitted to be sold in the other AIA. Additionally, a uniform list will make it easier for distributors to comply with the AIA restrictions.

The other category of products is "new" products that are not currently on the restricted list for either AIA. These products are similar in material respects to those already prohibited. These products may not be different from restricted products except for labeling or other minor differences. The introduction of similar products undermines the effectiveness of an AIA and may facilitate chronic public inebriation and the illegal activity associated with off-premises alcohol sales and/or consumption.

The restriction of all these products is reasonably related to reducing chronic public inebriation or illegal activity associated with off-premises alcohol sales and/or consumption.

Removal from the current lists:

Hamm's Ice Brewed Ale

Hamm's Ice Brewed beer

Lucky Ice Ale Premium

Lucky Ice Beer

Magnum Malt Liquor

Miller High Life Ice

Olympia Ice

Pabst Ice

Red Bull Malt Liquor

Gino's Premium Blend Wine

Add to the current lists:

Add to current list:

Charge

FourMax

RizeUP

Schlitz HG

Core HG

Hard Wired X

Big Bear

Four Loko

Three Sum

Joose

Camo

Tilt

Natural Ice

Mike's Harder

Labatt's Max Ice

Rainier Ale

Molson Ice

The listed corrections to Tacoma's AIA list provide the public with the needed updates to keep pace with the changing market of products being used within the AIA boundaries.

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BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN RE: LINCOLN ALCOHOL IMPACT AREA)
Tacoma, Washington) DECLARATION OF OFFICER BERT HAYES
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)
)
)
)

I certify (or declare) that the following is true and correct under penalty of perjury under the laws of the State of Washington:

1. I am a commissioned police officer with the Tacoma Police Department. I have been employed by the Tacoma Police Department for 10 years. I am over the age of 18 and competent to testify herein.

2. The City of Tacoma is divided into four police sectors. I am currently assigned as a Community Liaison Officer for Sector Four. Most of the Lincoln District AIA is contained within Sector Four. I have been a Community Liaison Officer for 4 years. One of my duties as a Community Liaison Officer has been to assist the community effort to establish an AIA in the Lincoln District.

3. As a Community Liaison Officer I respond to citizen concerns within my sector.

DECLARATION OF OFFICER HAYES

Tacoma Police Department
3701 S. Pine Street
Tacoma, Washington 98409

1 4. Since the implementation of Tacoma's second AIA (the Lincoln AIA) we have seen
2 a reduction in alcohol-related calls for service. Information from the Tacoma Police Department is
3 attached as Exhibit 1.

4
5 5. I have observed a reduction in street dwelling Chronic Public Inebriates (CPI's)
6 that routinely created most of the alcohol related calls for service.

7
8 6. Despite these improvements, CPI's have switched their product of choice and are
9 now consuming alcoholic beverages that are similar to those on the restricted products list (i.e. high
10 alcohol content at a low price). This is confirmed by observations from myself and concerned
11 community members. I am concerned that the availability of these replacement products will
12 reverse the initial gains made through the implementation of the Lincoln AIA, and that problems
13 associated with CPI's will again increase. The characteristics of these products and the increase in
14 their use by CPI's, indicates that they are reasonably linked to problems associated with chronic
15 public inebriation. A list of these products is attached as Exhibit 2.

16
17 7. The community members from the various neighborhood groups have found it
18 difficult to monitor the Lincoln AIA due to the existence of two separate lists of restricted products,
19 one for the Lincoln AIA and one for the Downtown Core AIA. I have routinely received erroneous
20 information about banned product being consumed in the Lincoln AIA. Upon investigation, I
21 discovered the community group was mistaken and the products were not on the Lincoln AIA list,
22 but were on the Downtown Core AIA list. I have spoken to several CPI's that were equally
23 confused about what product could be purchased and where.

24
25 8. We have also found on the banned lists products that are no longer sold in either
26 AIA area. A list of these products is attached as Exhibit 3.

27
28 9. Standardizing the restricted product lists for both Tacoma AIA's would alleviate
29

30
31
DECLARATION OF OFFICER HAYES

Tacoma Police Department
3701 S. Pine Street
Tacoma, Washington 98409

Page 2 of 3

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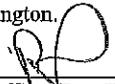
DECLARATION OF OFFICER HAYES

Page 2 of 3

Tacoma Police Department
3701 S. Pine Street
Tacoma, Washington 98409

1 this confusion and would ensure that problem products were not readily available to CPI's. Adding
2 the new problem products to both lists would ensure that the gains made by the existence of the
3 AIA's is not lost. The lists could then be purged of products from both lists that are no longer sold.
4 This will provide the community with a standardized list that is accurate and up to date serving the
5 citizens of the City of Tacoma.
6
7

8 Dated this 18 day of May, 2009 at Tacoma, Washington.

9
10  #101
11 _____
12 Officer Bert Hayes
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DECLARATION OF OFFICER HAYES

Tacoma Police Department
3701 S. Pine Street
Tacoma, Washington 98409

Off-site sales stores survey 5/19/2009 in AIA

(Products requested to be added to the two current AIA lists)

<u>Product</u>	<u>Container size</u>	<u>% Alcohol</u>	<u>\$</u>
Mike's Harder	16 oz.	8	1.69-1.99
Labatt's Max Ice	24 oz.	7.1	1.19-2.29
Liquid Charge			1.59
Four Max	16 oz.	10	1.39-1.69
Core HG	24oz.	10	2.19-2.59
Molson Ice		5.6	
Tilt	16 oz.	8	1.59-1.69
Four Loko	24 oz.	11	2.19-2.59
Natural Ice 6/pack; 7.99/case	16 oz.		.79/16 oz.; 3.99
Joose	24 oz.	9.9	2.19-2.59
Schlitz HG			
Rainier Ale		7	
Rize UP			
Big Bear			
Three SUM			

Properties surveyed on 051909:

JJ's Deli Mart, McKinley Ave
Country Boys Market, McKinley Ave
EZ Mart, Pacific Ave
Lively Market, Pacific Ave

AIA Outdated Products List

Product:

Hamms Ice Brewed Ale

Hamms Ice Brewed Beer

Lucky Ice Ale Premium

Lucky Ice Beer

Magnum Malt Liquor

Miller High Life Ice

Olympia Ice

Pabst Ice

Red Bull Malt Liquor

Ginos Premium Blend Wine

The above listed products should be removed from the current two AIA's. These changes will standardize the two lists and eliminate products that are no longer sold.

Attachment D



City of Tacoma - Police Department

15 May 2009

To: PPO Bert Hayes, Community Based Services Officer
Operations South – Sector 4

From: Jacqueline Shelton, Research Technician
Crime Analysis – Support Services Division

Subject: Alcohol Impact Areas

Area: See Map
Area 1 – Initial Alcohol Impact Area
Area 2 – Latest Alcohol Impact Area

Dates: Period 1 – 1 August 2007 to 30 April 2008
Period 2 – 1 August 2008 to 30 April 2009

Call Type: Drunk in Public (DIP), Liquor in Park (LIQ) and Minor in Possession (MIP)

Source: ArcGIS Cad Data File

Attached is the information you requested.

- The three call types increased in Area 1, decreased in Area 2 and increased for both areas when comparing Period 1 to Period 2.
- All three call types decreased in Area 2 while only Minor in Possession decreased in Area 1. There was a 29.3% increase in Drunk in Public calls.

Area	1 August to 30 April			
	2007-2008	2008-2009	Raw Chg	Perc Chg
Area 1 - Initial Alcohol Impact Area	171	215	44	25.7%
Drunk in Public	133	172	39	29.3%
Liquor in Park	10	16	6	60.0%
Minor in Possession	28	27	-1	-3.6%
Area 2 - Latest Alcohol Impact Area	175	157	-18	-10.3%
Drunk in Public	148	139	-9	-6.1%
Liquor in Park	9	6	-3	-33.3%
Minor in Possession	18	12	-6	-33.3%
Total for Both Areas	346	372	26	7.5%

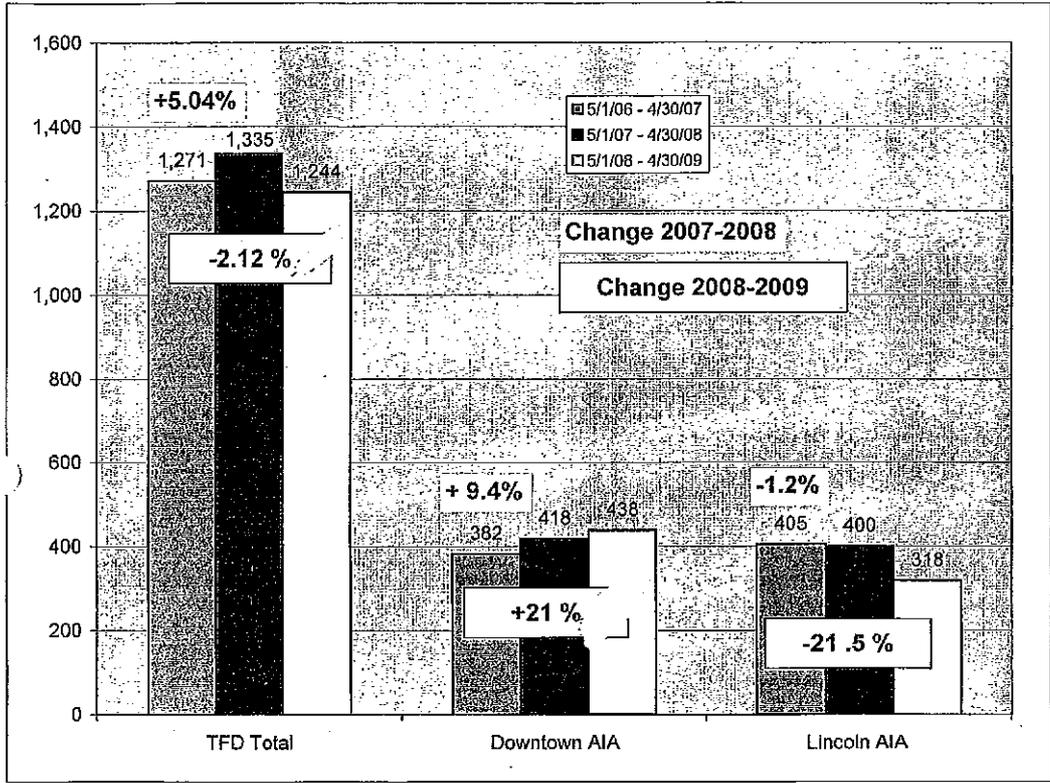
/jds

Attachments

CAU-AS 09-107

Alcohol and/or Drugs reported as Contributing Factor

Change in Alcohol Related EMS Incidents			
TFD Incident Count			
Year	TFD Total	Downtown AIA	Lincoln AIA
5/1/06 - 4/30/07	1,271	382	405
5/1/07 - 4/30/08	1,335	418	400
5/1/08 - 4/30/09	1,244	438	318



Query parameters:
 Incidents occurred within designated study area
 Incidents occurred on public property
 City/County Street, Public Building, Recreation/Sports Facility, Other
 Service provided reported as ETOH Assist
 OR
 Mech. Of Injury reported as Alcohol and/or Drug related
 OR
 Alcohol and/or Drugs reported as Contributing Factor

Hayes, Roland (Bert)

From: Kevin VanderVaate [kevin@tacomanaive.com].
Sent: Tuesday, November 04, 2008 1:15 PM
To: Avsafelymc@aol.com; Hayes, Roland (Bert)
Subject: Beer can count from today. Must have been payday.

Natural ice 24
Keystone light 5
Core Orange 6
Hurricane 1
Milwaukee's Best 3
Four Loko 3
Icehouse 5
Tilt 2
Miller 1
Busch 1
Coors 2
Joose 1

Most were around Lincoln park by the bathrooms and by the market off of Pacific around the abandoned houses for sale.
Kevin.

5/19/2009

Hayes, Roland (Bert)

From: Hac [hac@harboret.com]
Sent: Monday, November 24, 2008 3:06 PM
To: Bert Hayes
Cc: Lena Thompson; Guy Thompson
Subject: alcohol products we found on the walkabouts on Portland Ave

Joose (I think that's how it's spelled, the font is hard to read) 9.0% Premium malt beverage, 23.5 oz (3 cans of that)
and a lot of Tilt 8.0%, one pint (I saw at least 8 of those)

Limpy, the B/M who is dealing on 32nd and Portland was drinking it the most.

Jeanie Peterson
Director of Community Initiatives
Hilltop Action Coalition
1224 S. I St.
Tacoma WA 98405
253-383-3056 ext 112
also hilltopactioncoalition@yahoo.com

Never doubt that a small group of thoughtful, committed citizens can change the world. In fact, it is the only thing that ever has. — Margaret Mead

5/19/2009

Hayes, Roland (Bert)

From: Avsafetymc@aol.com
Sent: Wednesday, October 08, 2008 7:06 PM
To: Hayes, Roland (Bert)
Subject: Fwd: Can count from today

From: kevin@tacomanaive.com
To: Avsafetymc@aol.com
Sent: 10/8/2008 6:37:50 P.M. Pacific Daylight Time
Subj: RE: Can count from today

Definitely. Partly because of the weather though. But is has been a lot more quiet.

From: Avsafetymc@aol.com [mailto:Avsafetymc@aol.com]
Sent: Wednesday, October 08, 2008 6:03 PM
To: kevin@tacomanaive.com
Subject: Re: Can count from today

Kevin,

are you seeing less transients around the park and behind the red dragon?

bob

In a message dated 10/8/2008 3:13:34 P.M. Pacific Daylight Time, kevin@tacomanaive.com writes:

These are all from around the shelter at Lincoln Park 3:00 today.

Natural Ice-4

Joose-1

Busch-1

5/19/2009

Objections

08-24-09

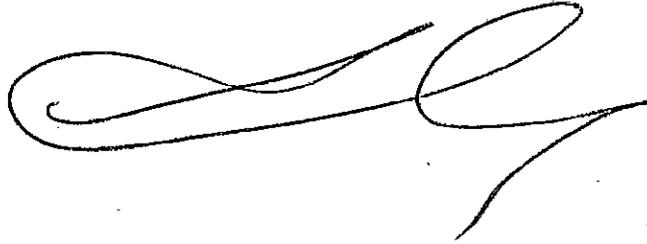
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601076820 1/1

To All Interested Parties:

We have a store in the current downtown Tacoma AIA area, we have been in business for 21 years with the same owner. My concern with making both AIA areas have the same list is that was not the intent of the AIA. I felt the intent was to rid the area of all Malt Beverages and High Alcohol contents. This has been done for the last six (6) years so why do we need to change now? With the current economical conditions we are now in it is very hard to think that we could lose even more business. I feel with the list we now have in effect that the area is maintain itself in a very good way, the problems we now seem to have are more drug related than alcohol and with the work the Tacoma Police Dept. has been doing this summer even the drug problems seem very minimal. I hope that the Liquor Board takes a good look at the AIA for what is is and not adopt a new list at this time.

Thank-you for your time in this matter Timothy Herzog Handy-Mart Grocery & Deli
402 Tacoma Ave. So.

On another topic is it at all possible since we are in an AIA area that our Liquor License fee comes at a reduced rate?



RECEIVED

AUG 25 2009

LICENSING DIVISION

In Favor


Lincoln South Neighbors

August 31, 2009

Liquor Control Board
PO Box 43075
3000 Pacific Avenue SE
Olympia, WA 98504-3075

Re: City of Tacoma/Alcohol Impact Area

Dear Board Members:

Lincoln South Neighbors (LiSN) is a group of concerned neighbors in the City of Tacoma. Our neighborhood is located directly east of Lincoln Park and Lincoln High School.

Since implementation of the Alcohol Impact Area (AIA) in 2008, we have noticed many improvements in our neighborhood. The number of chronic public inebriants has decreased, as well as the litter issues, homeless encampments and crime that we had prior to passage.

We have noticed that the types of discarded beverage containers (litter) constantly changes based on what appears on the "banned" list. We hope the Board is able to identify a single list that will result in a higher percentage of compliance with retailers located in the AIA area.

We thank the Board Members for their efforts to increase safety and reduce public intoxication, litter and crime in our neighborhoods. We also appreciate and thank everyone involved with the ongoing enforcement issues. It has had a very positive effect on our neighborhood.

Sincerely,

Taunja VanderVaate,
LiSN Co-Leader
503 S Wright Ave
Tacoma, WA 98418
253-572-7991

Liquor Control Board
PO Box 43075
3000 Pacific Avenue SE
Olympia, WA 98504-3075

August 24, 2009.

Dear Board Members,

We are a neighborhood group of concerned citizens that in the dometop area and feel after the passing of the Alcohol Impact Area (AIA) in April of 2008 we are a much safer place to live.

Prior to passing the AIA we felt threatened by inebriants on every corner, garbage, panhandling and the quality of life was not as it should have been. Crime was up in our area. Minor in possession, homelessness, DUI's, and liquor in our public parks. Our business owners would try to open their doors to find someone passed out in the doorway.

Since the AIA was passed we do not have these problems. What a wonderful feeling to walk down our streets and not be accosted by an inebriant.

Our group would like to thank you for passing the AIA in our area. Both of Tacoma's AIA areas have been a great place to live since these alcohols have been banned.

Sincerely,

Lynnette Scheidt
Chair DomeTop Neighborhood Alliance
1206 East 35th Street
Tacoma, WA 98404
253-905-8018



City of Tacoma

Council Member Rick Talbert

August 20, 2009

Liquor Control Board
PO Box 43075
3000 Pacific Avenue SE
Olympia, WA 98504-3075

Dear Board Members:

The addition of a second Alcohol Impact Area (AIA) in the City of Tacoma has made a positive impact on the daily lives of all who live, work and do business in the City. In November of 2007 the City of Tacoma requested that Washington State Liquor Control board recognize the Lincoln District AIA and in April of 2008 the Washington Liquor Control Board put that request into action. Since that time, the City has experienced an increase in the safety and health of its citizens.

As you are aware, prior to implementation of the Lincoln District AIA, community leaders attempted to obtain significant compliance with a voluntary Alcohol Impact Area. Although the effort had some success, it was not until the official adoption by the Washington State Liquor Control Board, that the compliance level has increased significantly.

Chronic public inebriation and the corresponding public safety and litter issues have decreased over that same time. The quality of life for the neighbors and business owners in the AIA has been positively affected in a variety of ways by its adoption. Crimes such as drunk in public, minor in possession and liquor in the park have all experienced significant decreases, some as much as 30 percent in the Lincoln District.

As a City Council Member, I would like thank the Washington State Liquor Control Board for their support and leadership in improving our community through the adoption of both of Tacoma's Alcohol Impact Areas.

Sincerely,

Rick Talbert
Tacoma City Council
District 4

**WASHINGTON STATE LIQUOR CONTROL BOARD
INTEROFFICE CORRESPONDENCE**

Date: August 19, 2009
To: Chairman Sharon Foster
Board Member Ruthann Kurose
From: Steve Burnell, Marketing Manager
Subject: POTENTIAL NEW LISTINGS AND REJECTIONS

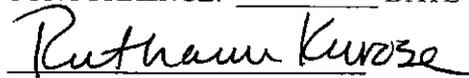
In accordance with the criteria set forth in Agency Policy #915 Listing and Delisting Liquor Products, I recommend that the Board approve the following actions.

<u>Description</u>	<u>Recommendations</u>
Burnett's Blueberry Flavored Vodka, 750 ml (\$12.45)	List
Burnett's Peach Flavored Vodka, 750 ml (\$12.45)	List
Burnett's Pomegranate Flavored Vodka, 750 ml (\$12.45)	List
Svedka Citron Vodka, 750 ml (\$15.95)	List
Belvedere Citrus Vodka, 750 ml (\$32.95)	List
Seagram's Seven Crown Dark Honey Whiskey, 750 ml (\$17.45)	List
Admiral Nelson Spiced 101 Proof Rum, 750 ml (\$14.95)	List
Mount Gay Extra Old Rum, 750 ml (\$44.95)	Reject
Remy Martin 1738 Accord Cognac, 750 ml (\$67.95)	Reject
Bruichladdich Rocks Scotch, 750 ml (\$49.95)	Reject
Pitu Cachaca, 750 ml (\$18.85)	Reject
Villa Massa Limoncello Liqueur, 750 ml (\$33.50)	Reject
Svedka Raspberry Vodka, 750 ml (\$15.95)	Reject
Tenure Polish Vodka, 750 ml (\$17.95)	Reject
Tenure Polish Blueberry Vodka, 750 ml (\$17.95)	Reject
Belvedere Orange Vodka, 750 ml (\$32.95)	Reject
Belvedere Black Raspberry Vodka, 750 ml (\$32.95)	Reject
Jeremiah Country Peach Sweet Tea Vodka, 750 ml (\$19.95)	Reject
Don Q Cristal Rum, 750 ml (\$15.95)	Reject
Sharkwater Tropical Liqueur, 750 ml (\$21.25)	Reject

FOR BOARD CONCURRENCE: _____ DATE



Sharon Foster
Chairman



Ruthann Kurose
Board Member

ma

cc: Pat Kohler
Pat McLaughlin
John Redal
Randy Simmons
Debi Besser
Meagan Renick
Kelly Higbee
Cindy Doughty
Robin Hall
Kim Ward
Casey Walker
Lacinda Thomas
Frances Munez-Carter
Gary Hacker
Shayna Burmeister

WASHINGTON STATE LIQUOR CONTROL BOARD

INTEROFFICE CORRESPONDENCE

Date: August 19, 2009

To: Chairman Sharon Foster
Board Member Ruthann Kurose

From: Steve Burnell, Marketing Manager

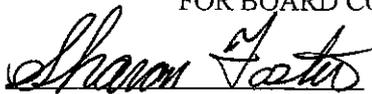
Subject: POTENTIAL ONE-TIME-ONLY LISTINGS

The suppliers of the following items are requesting One-Time-Only (OTO) listings.

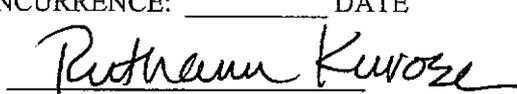
<u>Product Description</u>	<u>Retail Price</u>	<u>Cases</u>
Blavod Black Vodka, 750 ml	\$15.95	300 cases
Glenfiddich Distillery Edition 102 Proof Scotch, 750 ml	\$59.95	75 cases
Hiram Walker Gingerbread Liqueur, 750 ml	\$11.95	200 cases
Hiram Walker Pumpkin Spice Liqueur, 750 ml	\$11.95	200 cases
Rogue Dead Guy Whiskey, 750 ml	\$43.05	100 cases
Sazerac Rye 6 Year Straight Rye Whiskey, 750 ml	\$29.95	50 cases
ULLR Peppermint/Cinnamon Schnapps, 750 ml	\$24.95	250 cases

I recommend that the Board approve these one-time-only listings.

FOR BOARD CONCURRENCE: _____ DATE



Sharon Foster
Chairman



Ruthann Kurose
Board Member

ma

cc: Pat Kohler
Pat McLaughlin
John Redal
Debi Besser
Randy Simmons
Meagan Renick
Kelly Higbee
Cindy Doughty
Robin Hall
Kim Ward
Casey Walker
Lacinda Thomas
Frances Munez-Carter
Gary Hacker
Shayna Burmeister

WASHINGTON STATE LIQUOR CONTROL BOARD

INTEROFFICE CORRESPONDENCE

August 19, 2009

To: Chairman Sharon Foster
Board Member Ruthann Kurose

From: Steve Burnell, Marketing Manager

Subject: POTENTIAL SIZE EXTENSIONS

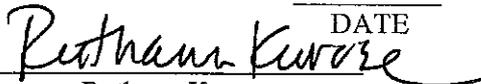
In accordance with the criteria set forth in Agency Policy #915 Listing and Delisting Liquor Products. I recommend that the Board approve listing the following size extensions.

Requested Size Extensions	Size	Retail Price	Current Average Monthly Case Sales of the 750 ml Size	Current Monthly Gross Profit	Rank in Category
Firefly Sweet Tea Vodka	1.75 liter	\$44.95	76	\$13,167	#18
Woodford Reserve Straight Bourbon	375 ml	\$16.95	339	\$16,491	#8

FOR BOARD APPROVAL: _____



Sharon Foster
Chairman

DATE _____


Ruthann Kurose
Board Member

ma

cc: Pat Kohler
Pat McLaughlin
John Redal
Randy Simmons
Debi Besser
Meagan Renick
Kelly Higbee
Cindy Doughty
Robin Hall
Kim Ward
Casey Walker
Lacinda Thomas
Frances Munez-Carter
Gary Hacker
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