

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD  
ADMINISTRATIVE CODE

CHAPTER 20-X-21  
OFFENSES (TOBACCO)

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(1)            Any offense of Chapter 11 of Title 28, Code of Ala. 1975, pertaining to tobacco or of any regulation of the ABC Board, by any permittee, officer, agent, servant or employee of such permittee, shall subject such permittee and/or employee thereof to any one of the following discretionary actions or penalties by the ABC Board or its Hearing Commission:

(a)            Upon conviction for a first offense by the permit holder or an employee of the permit holder, the ABC Board or Hearing Commission may offer the permit holder an opportunity to provide training sessions administered by the Responsible Vendor Program in lieu of an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than two hundred dollars (\$200.00).

(b)            Upon conviction of a second offense at the same location within a two-year period, the ABC Board or Hearing Commission may levy an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than four hundred dollars (\$400.00).

(c)            Upon conviction of a third or subsequent offense at the same location within a two-year period, the ABC Board or Hearing Commission may levy an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than seven hundred fifty dollars (\$750.00).

(d)            Upon conviction of a fourth or subsequent offense at the same location within a two-year period, the ABC Board or Hearing Commission may levy an administrative fine upon the permit holder and the employee, if the offense is by an employee, of not more than one thousand dollars (\$1,000.00), and may suspend or revoke the permit.

(2) Each occurrence shall constitute a separate offense for which the appropriately mentioned penalties may be imposed.

(3) The ABC Board may, from time to time, establish a fine schedule for offenses charged against a permittee or employee thereof. This fine schedule will be used when a permittee or employee thereof wishes to plead guilty to an offense.

(4) When a permittee or employee thereof has been cited for an offense, he/they may elect to waive a hearing before the Hearing Commission and/or the ABC Board and enter a plea of guilty to such offense. If a fine is imposed upon said guilty plea, the permittee shall remit the full amount thereof to the ABC Board by cashier's or certified check or money order within seven (7) days after the entry of such guilty plea. Failure to so remit said fine within the seven-day period shall subject the permittee to an automatic permit suspension, commencing immediately without any appeal thereof, until such fine is paid to the Administrator and the permittee has received from the Administrator a letter of reinstatement of the permit, together with the permit, itself.

(5) After the imposition of a fine by the Hearing Commission and/or the ABC Board, a permittee shall not be authorized to relinquish or surrender the permit in lieu of payment of the fine. When a fine has been adjudged and all appeals exhausted, the said fine shall become a debt of the permittee or employee thereof in favor of the ABC Board.

(6) When a fine is imposed upon a permittee or employee thereof by either the Hearing Commission and/or ABC Board and no appeal is taken therefrom within the appropriate time limitations, the fine so imposed shall be remitted in full by said permittee or employee thereof to the ABC Board by cashier's or certified check or money order within seven (7) days thence from the last day upon which said appeal could have been taken. Failure to so remit said fine within the seven-day period shall subject the permittee to an automatic permit suspension, commencing immediately without any appeal thereof, until such fine is paid to the Administrator and the permittee has received from the Administrator a letter of reinstatement of the permit together with the permit, itself.

**Author:** ABC Board

**Statutory Authority:** Code of Ala. 1975, §28-11-4.

**History: New Rule:** Filed December 7, 1998; effective January 11, 1999. **Amended:** Filed July 20, 2000; effective August 24, 2000.