



## DABS Disciplinary Proceedings

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### 5-Step Disciplinary Process

Those licensed or permitted to sell alcohol in Utah (“licensees” and “permittees”) must follow Utah’s alcohol laws, policies, and rules. If a licensee or permittee is found to possibly be in violation, a disciplinary process begins.

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#### Step 1: Investigative Report and Notice of Potential Disciplinary Proceeding

The Utah Department of Public Safety’s State Bureau of Investigation (SBI) alcohol enforcement team provides DABS an investigative report containing facts that could support a finding of a violation of the [Alcoholic Beverage Control Act](#). DABS provides notice to the person(s) identified in the report that the report has been received and a potential disciplinary proceeding may follow.



#### Step 2: Notice of Agency Action (NOAA)

DABS reviews the report to determine the alleged violation and whether to initiate a disciplinary proceeding for the alleged violation. If DABS initiates a disciplinary proceeding, an NOAA is sent certified mail to the licensee, permittee, or employee who is alleged to have committed the violation that includes the scheduled prehearing conference date and a copy of the report.



#### Step 3: Prehearing Conference

At the prehearing conference, the licensee, permittee, or employee may engage in an informal discussion with DABS and DABS legal counsel, the Utah Assistant Attorney General (AAG), regarding potential settlement of the alleged violations and other issues, including clarifications regarding evidence, costs, and process. If a settlement agreement is reached, the AAG drafts the settlement agreement and obtains signatures from all parties. If a settlement agreement is not reached, the matter proceeds to a disciplinary hearing on the alleged violation (Step 5).



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### **Step 4: Alcoholic Beverage Services Commission (commission) Review of Settlement Agreement**

If a settlement agreement is reached, the AAG presents the settlement agreement to the commission to approve or decline the agreement. If the commission approves the settlement agreement, a commission order is mailed to the licensee, permittee, or employee and the terms of the settlement agreement are completed. If the commission does not approve the settlement agreement, DABS may renegotiate a settlement with the licensee, permittee, or employee or the matter may proceed to a disciplinary hearing on the alleged violation.



### **Step 5: Disciplinary Hearing**

If a settlement agreement is not reached or the commission does not approve a settlement agreement, the commission may preside over the disciplinary proceeding hearing concerning the alleged violation or appoint a hearing officer to preside. If the commission presides, the commission issues a final decision and order on the alleged violation after the hearing. If a hearing officer presides, the hearing officer submits a recommendation to the commission concerning the alleged violation and, after receipt of the recommendation, the commission issues a final decision and order on the alleged violation.



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### **Commonly Requested Violations Information**

#### **Penalties for Violations**

- The [DABS Violation Grid](#), authorized under Utah Administrative Rule [R82-3-102](#), describes violation penalties and categories and the associated fines or suspensions.
- DABS may also seek administrative costs for a disciplinary proceeding, which may be awarded by the commission.

#### **Payment of Fines or Costs**

- Payment of fines or administrative costs may be made after the commission's final order at a commission meeting. If fines and costs are part of an approved settlement agreement, the specific due date will be listed in the agreement.
- Payment by credit card, check, or exact cash may be made at the DABS Administrative Office located at: 1625 S. 900 W., Salt Lake City, UT 84104.
- Checks may be mailed to: P.O. Box 30408, Salt Lake City, UT 84130.
- Credit card payments may be made over the telephone by calling the Violations Program Manager.

#### **Prehearing Conference Materials**

- A licensee should bring his or her Responsible Alcohol Service Plan (RASP) to the prehearing conference to discuss. Many times updates to the RASP are included in settlement discussions.
- If a settlement agreement is reached at the prehearing settlement conference, the AAG will circulate the settlement agreement for signatures through AdobeSign. A licensee, permittee, or employee who is unable to use or access AdobeSign can request assistance from the AAG or DABS.

#### **Commission Meeting Attendance**

- If a settlement agreement is reached, DABS will, before the commission meeting, email the commission meeting agenda and the total of any fines or costs to be paid by the licensee or permittee under the settlement agreement to the individual who signed the settlement agreement.
- A licensee or permittee who reaches a settlement agreement for a serious or grave violation must attend the commission meeting in person or by telephone or video.
- An employee who reaches a settlement agreement is not required to attend the commission meeting.

#### **Impact of Violation on Other License Applications**

- Commission policy provides that it will not consider a new license application if the applicant shares 20% or more common ownership with another licensee who has a serious or grave violation within the previous three months or a pending violation.
- Commission policy further provides that a new applicant that shares 20% or more common ownership with another licensee that has a serious or grave violation within the previous four months to a year is required to appear before the commission to address whether the new license should be granted.

For additional questions, please call DABS Violations Program Manager Erin Hinkel at [ehinkel@utah.gov](mailto:ehinkel@utah.gov) or (385) 249-7922.