

back-bar inspection

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The person seizing the identification must issue a receipt and relinquish the identification to local law enforcement within 24 hours to maintain compliance with the above section.

When a seller attempts to verify the age of a purchaser, they have a limited amount of protection and in fact, have a legal defense if they base a sale on bona fide evidence of age. Section 25660 BP provides for both a criminal and an administrative defense if a retailer relies on bona fide identification to make an alcoholic beverage sale. It further establishes the legal requirements for a document to be considered bona fide evidence of age. The document **must be issued by a government agency and contain the name of the person, date of birth, a physical description, a photograph, and be currently valid.** It should be noted that many valid documents frequently used as a means of identification lack a physical description and are thereby not considered to be bona fide under this section. These documents include United States passports, United States Armed Forces identification cards issued after April 2003, and United States Citizenship and Immigration Service (USCIS) cards, commonly referred to as Green Cards. Even though the above documents are valid, the lack of a physical description offers retailers no protection, as they do not comply with the requirements of Section 25660 BP in regards to selling alcoholic beverages.



Caution Promotes Responsibility: *Assistant Manager Wagar Basbi, Wine & Spirits of the World (10318 Reseda Boulevard, Northridge), scrutinizes drivers' license produced by minor during a Devonshire Area decoy operation. An attendee of several STAR presentations, Bashi is well aware of the problems he may face if this minor obtains an alcoholic beverage at his store.*

Retailers must establish the level of age verification they feel comfortable with prior to making a sale of an alcoholic beverage. It is unlikely that a senior citizen, relative, or close friend over 21 years of age, would ever be asked to produce identification prior to a sale. This is acceptable, as the retailer has not violated any law. In these cases, the retailer is able to clearly articulate how he or she is aware of the age of the purchaser. In instances when the age is not obvious or there is no prior relationship, the seller must exercise caution with all alcoholic beverage sales. The closer the individual is to 21 years of age, the more scrutiny the retailer must place on verifying the purchaser's age. Likewise, the younger the purchaser, the more the seller must rely on the protection offered through bona fide identification under Section 25660 BP.

During field investigations, officers must remain cognizant that retailers are not identification experts. ABC Licensee Education on Alcohol and Drugs (LEAD) and STAR training offers limited instruction on identification basics and provides simple methods of detecting obvious fraudulent identification. However, given the level of sophistication of current counterfeit drivers' licenses and identification cards produced on many college campuses, an advanced level of expertise is required to differentiate valid cards from their fictitious representations. Should officers encounter a sale of an alcoholic beverage to an underage individual violation (25658 (a) BP) where the minor displays counterfeit identification of a bona fide nature, that closely matches legitimate identification, officers should **not** issue a citation to the seller. The minor should be cited for violating Section 25658.5 BP (Attempt to purchase by minor) and Section 25661 BP (Minor presenting false evidence of age). The alcoholic beverage and fictitious identification shall be recovered and booked as evidence according to the procedure's of the involved agency and all reports should be submitted to the Department of ABC for administrative review.

By recognizing the protection afforded to retailers under Section 25660 BP, officers will be better able to enforce ABC regulations within the spirit of the law and thereby limit Departmental liability. Additionally, by formally recognizing that many retailers lack significant expertise regarding their ability to identify counterfeit identification, confidence in the Department's ability to impartially enforce ABC laws will be enhanced. Parts II and III of this series will focus on methods officers can employ to recognize counterfeit identification and review of common pitfalls retailers encounter when furnishing alcoholic beverages to underage individuals.