

Moraga Restaurants Caught Selling Alcohol to Minors

By Sophie Braccini



Officer Ron Ward Photo Sophie Braccini

The California Department of Alcoholic Beverage Control (ABC) conducts about two dozen “Minor Decoy” operations every year in the greater Oakland area (which includes Lamorinda). The purpose of the program is to find out if restaurants and bars are serving alcoholic beverages to minors. In June they visited Moraga and found a surprisingly high rate of violations.

The “minor decoy,” someone under age twenty one, orders a beer or a glass of wine to see if he (or she) is asked to show proof of legal drinking age. The minor operates in conjunction with a police officer. While the decoy enters the premises, the officer either waits outside or sits in another part of the establishment.

Licenses have been issued to sixteen eating establishments in Moraga; thirteen were visited and six were found in violation. “That’s 46% of the places,” said ABC’s Erik Szakacs, “a bit more than the average 18%-22% we usually encounter.”

“I am very surprised by the high percentage of violations of this nature and am disappointed that with all of our enforcement and effort in the community this occurred,” stated Mark Ruppenthal, Moraga’s Chief of Police.

Ruppenthal believes this highlights an area that needs to be addressed.

Officer Ron Ward agrees: “I was very surprised, too,” said Ward, “we have a no tolerance policy in this town that’s supported by the hierarchy and the Council.”

Ward speaks from experience; he has been the top enforcer of Driving Under the Influence (DUI) laws in Contra Costa five years in a row and received a national award in 2007. He believes that the situation resulted from insufficient training and communication. “This may be a lack of communication between restaurant owners and employees,” he said, “people can feel awkward asking, but there is training available to help identify and react to underage and over-drinking.”

Ward does not believe that Moraga has a specific problem with alcohol, even though he recently arrested a 16 year old who was driving after 11:30 p.m. and was ‘Under the Influence.’ There were 107 recorded DUIs in Moraga in 2007.

The restaurants involved say that training programs are already in place. According to the General Manager of one establishment the incident was an unfortunate and isolated slip-up. “A human error was made,” he acknowledged, continuing, “We took this event very seriously and immediately took steps to further staff training and are working with ABC and their online program.” He is confident that this will not happen again at his restaurant.

Another restaurateur reacted quickly as well and posted prompts in his restaurant both for customers and staff. All are reminded of the rules and responsibilities of the license requirements and that even on busy nights one has to make sure that all customers are the age they appear to be. “We had to let go the waitress who made the error,” he said, adding that the incident was not her only mistake.

The penalty for non-compliance is a suspension of the license or a fine. A similar operation in Lafayette last December netted three violators.

First time violators in a three year period of time face a fifteen day suspension of their ABC license or may choose to pay a fine in lieu of the suspension, in the range of \$750 to \$3000, depending on the average amount of alcohol they sell. According to Jennifer Deuel from ABC, all the Moraga restaurants were first time contraveners. A second violation in 3 years would be subjected to a twenty five day suspension and a third time could mean the final suspension of the license.

For more information go to <http://www.abc.ca.gov/>.