

MINOR VIOLATIONS PENALTY SCHEDULE B

STATUTE	OAC 45:	VIOLATIONS	SUCCESSIVE VIOLATIONS							
			1st Suspension	Fine	2nd Suspension	Fine	3rd Suspension	Fine	4th Suspension	Fine
37A §2-102-132 <i>See also 37A §6-117.</i>	45:10-3-7	Employ an unlicensed person to work on licensed premises in the sale or distribution of alcoholic beverages.	3 Days	\$ 150	10 Days	\$ 500	20 Days	\$1,000	20 Days + \$1,000	
37A §2-133		Licensee responsible for act or omission of servant, agent, employee or representative.	Match suspension or fine for underlying (minor or major) violation.							
37A §2-142H		Failure to timely renew license.	None	\$5/Day	None	\$10/Day	None	\$25/Day	None	\$50/Day
37A § 5 2-143C <i>(Since this is §2-143, not §5-143, it was moved here for proper order.)</i>		Failure to notify Commission of change in corporate officers, directors or principal managers of premises or failure to pay required fee for change.	3 Days	\$ 150	10 Days	\$ 500	20 Days	\$1,000	20 Days + \$1,000	
37A §2-143D		Failure to notify Commission of acquisition of 15% or more corporate stock within 30 days of acquisition.	3 Days	\$ 150	10 Days	\$ 500	20 Days	\$1,000	20 Days + \$1,000	
37A §2-148A(1)		General Civil Penalty Provision Violate any rule adopted by the Commission.	3 Days	\$ 150	6 Days	\$ 300	10 Days	\$ 500	10 Days + \$ 500	
37A §2-148A(6 5)		Misrepresented to a customer or the public any alcoholic beverage sold by the licensee.	3 Days	\$ 150	10 Days	\$ 500	20 Days	\$1,000	30 Days + \$1,500	

37A §2-148B(1)		Mixed Beverage or Caterer licensee h Has acted as an Agent of a Manufacturer, or Brewer or Wholesaler of alcoholic beverages.	3 Days	\$ 150	10 Days	\$ 500	20 Days	\$1,000	30 Days or Revocation
(5)		Mixed Beverage or Caterer licensee h Has violated any of the provisions of the ABC Act for which mandatory revocation or suspension is not required.	5 Days	\$ 250	10 Days	\$ 500	20 Days	\$1,000	30 Days + \$1,500
See also 37A §6-102A(1). (Note: §2-148B(5), directly above, addresses this issue for specific licensees. The suspension periods and penalties here apply to all licensees.)	45:10-5-1	Any licensee has violated any provision of the ABC Act or any rule for which no specific suspension period or fine is provided.	5 Days	\$ 250	10 Days	\$ 500	20 Days	\$1,000	30 Days + \$1,500
37A §2-154		Failure to display licenses in conspicuous place.	3 Days	\$ 150	10 Days	\$ 500	20 Days	\$1,000	20 Days + \$1,000
37A §2-156C	45:20-3-8 45:20-3-13	Retail sale or delivery off licensed premises; Take alcoholic beverages through passageway violation; for sale elsewhere permit use of licensed premises by other persons for business purposes.	10 Days	\$ 500	20 Days	\$1,000	30 Days	\$1,500	30 Days + \$1,500
37A §3-106 EC (1)	45:25-5-2 (Revoked)	Delivery of more than 6-six 9-liter cases per year to an individual.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$3,000	30 Days + \$3,000
(3)	45:25-5-3 (Revoked)	Failure to have proper labeling on wine shipments.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$3,000	30 Days + \$3,000
(65)	45:25-5-4 (Revoked)	Failure to submit annual -quarterly Direct Shipper's report.	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	30 Days + \$3,000

37A §3-118 Retail sale for less than 6% markup. 3 Days \$ 150 6 Days \$ 300 15 Days \$ 750 30 Days + \$1,500
 See also 37A §6-102A(4)(b).
 (This is an important addition to the penalty schedule, providing an administrative penalty in addition to the criminal penalty in §6-102.)

37A §3-125A 45:20-5-10 Sale or consumption of alcoholic beverages 5 Days \$ 250 10 Days \$ 500 15 Days + \$ 750 20 Days + \$1,000
 See also
 37A §6-103A(3). other than hours set forth. ~~on the premises of~~
 ~~a Mixed Beverage Club between 2:00 a.m. and~~
 ~~10:00 a.m.~~
 (Note: Statute was expanded to cover other licensees and sets time of 8:00 a.m., not 10:00)

~~37A §3-126 45:20-7-6 Dispense or consume alcoholic beverages on 5 Days \$ 250 10 Days \$ 500 15 Days \$ 750 20 Days + \$ 750~~
~~premises of Bottle Club between 2:00 a.m.~~
~~and 10:00 a.m.~~

~~37A §3-127 Serve to person, other than member, from 3 Days \$ 150 6 Days \$ 300 15 Days \$ 750 30 Days + \$1,500~~
~~member's individually owned bottle in~~
~~Bottle Club.~~

37A §5-120 45:20-3-7 Failure to ~~keeping of~~ books and records, 3 Days \$ 150 6 Days \$ 300 15 Days \$ 750 30 Days + \$1,500
 See also 45:20-5-9 including invoices, available for inspection
 37A §5-126. for 3 years. ~~by licensees.~~

37A §5-126 45:20-3-7 Failure to keep records for 3 years. 3 Days \$ 150 6 Days \$ 300 15 Days \$ 750 30 Days + \$1,500
 See also 45:20-5-9
 37A §5-120.

37A §5-137B 45:20-5-9 Possess alcoholic beverage container on the 5 Days \$ 250 10 Days \$ 500 15 Days + \$ 750 20 Days + \$1,000
 See also
 37A §2-138. licensed premises not listed on an invoice
 from the Wholesaler from whom purchased.

~~37A §5-143C Failure to notify Commission of change in corporate officers, directors or principle managers of premises or failure to pay required fee for change.~~

(This is §2-143, not §5-143, so it has been moved above for proper order.)

37A §6-101A(3) See also 37A §6-103A(2).	45:20-3-12	Open a retail container or consume alcoholic beverages on the premises of a Retail Package Store, Grocery Store, Convenience Store or Drug Store.	Letter of Caution	5 Days	\$ 250	10 Days	\$ 500	30 Days + \$1,500	
(11)		Consume or possess alcoholic beverages on the licensed premises of a bottle club unless such person possesses a valid membership card for that club issued by the club.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
37A §6-102A(3)		Give any alcoholic beverage as a prize for any type of competition.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(4)		Inducement to stimulate consumption of alcoholic beverages including:	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
		a. Deliver more than two drinks to one person at one time.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
See also 37A §3-118.		b. Sell or offer discounted drinks for less than 6% below markup cost by Mixed Beverage licensee.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
		c. Sell or offer unlimited drinks during set period of time for a fixed price, except at function not open to public.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500

37A §6-102A(4)	d. Sell or offer drinks for less than charged general public on any day, except at function not open to public.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
	e. Increase volume of alcohol in a drink without increasing the price regularly charged during the same calendar week.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
	f. Promote contests which involve drinking or award drinks as prizes.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(5)	Permit any person to exit licensed premises with an open container of alcoholic beverage.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(7)	Drunk or intoxicated persons allowed to remain on a licensed premise.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
37A §6-103A(2) See also 37A §6-101A(3).	45:20-3-12 Permit any retail container to be opened or consumed on licensed premises.	10 Days	\$ 500	20 Days	\$1,000	30 Days	\$1,500	30 Days + \$1,500
37A §6-103B	Permit any person under twenty-one (21) to enter, remain or loiter about the licensed premises.	3 Days	\$ 150	6 Days	\$ 300	15 Days	+ \$300	30 Days + \$1,500
37A §6-105(2)	Transport alcoholic beverages without a Private Carrier license	5 Days	\$ 250	10 Days	\$ 500	20 Days	\$1,000	30 Days + \$1,500
37A §6-106(4) (Note: Bottle Club)	Allow any person to enter or remain in a designated bar area without a valid membership card.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500

(7) (Note: Bottle Club)		Serve alcoholic beverage to any person without a valid membership card.		3 Days \$ 150		6 Days \$ 300		15 Days \$ 750		30 Days + \$1,500	
37A §6-107(2)		Transport alcoholic beverages without a Private Carrier license.		3 Days \$ 150		6 Days \$ 300		15 Days \$ 750		30 Days + \$1,500	
37A §6-109(1)		Consume or be under the influence of alcoholic beverages while on duty or violate educational tasting requirements.		3 Days \$ 150		6 Days \$ 300		15 Days \$ 750		30 Days + \$1,500	
(2)	45:10-3-10	Permit offensive or threatening language or conduct.		Letter of Caution		3 Days \$ 150		6 Days \$ 300		15 Days + \$ 300	
(3)		Permit empty or discarded alcoholic beverage containers outside the licensed premises in public view.		Letter of Caution		3 Days \$ 150		6 Days \$ 300		15 Days + \$ 300	
(6)		Permit a sealed or unsealed container of alcoholic beverage to be taken from the licensed premises.		10 Days \$ 500		20 Days \$1,000		30 Days \$1,500		30 Days + \$1,500	
	45:10-3-10	Permit fire exit to be blocked or locked. (Note: This is new language we hope to add to the Rules this year.)		10 Days \$1,000		20 Days \$2,000		30 Days \$3,000		Revocation	
	45:10-3-15 (Moved here for proper order of references to Rules alone.)	Returning merchandise delivered in error.		Letter of Caution							

45:10-3-20 (Moved here for proper order.)	Holding of check prohibited.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
45:10-3-21 (Moved here for proper order.)	Post-dated check prohibited.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
45:10-3-30 (Moved here for proper order. Penalties added to discourage violations (Only a letter of caution before.))	Unauthorized Transfer of stock of terminated licensee, failure to submit No applications for permission to Director, by seller and purchaser, failure to submit Inventory & Report.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
45:25-1-4	Failure to provide appropriate winery tasting serving Area at a trade show or festival.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:25-1-5	Failure by a winery to provide event schedule and diagram.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:25-1-6 (New Rule adopted in 2024.)	Failure by an Off-Site Event licensee to provide a designated area.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:25-3-4	Failure to maintain records by a Self-Distributing Winery.	5 Days 3 Days	\$ 500 \$ 150	10 Days 6 Days	\$1,000 \$ 300	30 Days 15 Days	\$3,000 \$ 750	30 Days + \$3,000 30 Days + \$1,500 (Matching penalties for violation of next rule (and others) for consistency.)
45:30-3-13 (Moved here for proper order.)	Failure to maintain Records for by Wine and Spirits Wholesaler; requirements for keeping.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
45:30-5-19	Failure by brewery to provide appropriate tasting serving area at a trade show or festival.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500

45:30-5-20	Failure by a brewer to provide event schedule and a diagram.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:30-5-21	Failure by a brewer to provide a separate premise as required. (Note: 45:30-5-21 does not address this separate area and it is already covered by 45:30-5-19, above.)	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	10 Days + \$1,000
45:35-1-5 (Revoked)	Failure to provide barriers for a special event.	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	10 Days + \$1,000
45:35-1-6	Failure by a Special Event licensee to provide a designated bar area; failure to post signs and failure to qualify for a Type II.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:35-1-7 (Rule does not exist.)	Failure by a Special Event licensee to sell alcohol by the individual drink.	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	30 Days \$3,000
45:35-3-6	Failure by a Public Event licensee to provide a designated bar area; failure to post signs and failure to qualify for a Type II.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:35-5-4 (Revoked)	Failure to provide barriers for a Charitable Alcohol Beverage event.	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	10 Days + \$1,000
45:35-5-5 (Revoked)	Failure by a Charitable Alcohol Beverage Event licensee to provide a designated bar area and/or failure to post signs.	5 Days	\$ 500	10 Days	\$1,000	30 Days	\$2,500	30 Days + \$2,500
45:35-5-6 (Revoked)	Failure by a Charitable Alcohol Beverage Event Licensee to provide a diagram.	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	10 Days + \$1,000

45:35-9-4	Failure to comply with size of container for a Hotel mini bar.	3 Days	\$ 250	5 Days	\$ 500	10 Days	\$1,000	10 Days + \$1,000
45:10-3-15	Returning merchandise delivered in error.	Letter of Caution						
(Moved above for proper order.)								
45:10-3-20	Holding of check prohibited.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(Moved above for proper order.)								
45:10-3-21	Post dated check prohibited.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(Moved above for proper order.)								
45:10-3-30	Transfer of stock of terminated licensee, Applications for Permission to Director, by seller and purchaser, Inventory & Report.	Letter of Caution						
(Moved above for proper order.)								
45:20-7-2	Improper label.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(Revoked Bottle Club Rule.)								
45:30-3-13	Records for Wholesaler; requirements for keeping.	3 Days	\$ 150	6 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500
(Moved above for proper order.)								
45:40-3- 65	Failure to display proper signage Signs to be used on vehicles owned by Wine and Spirits Wholesalers.	Letter of Caution		3 Days	\$ 150	6 Days	\$ 300	15 Days + \$ 750
45:40-7-5	Failure to comply with requirements for A alteration of licensed premises.	3 Days	\$ 150	3 Days	\$ 300	15 Days	\$ 750	30 Days + \$1,500