
State of South Carolina
Department of Revenue
301 Gervais Street, P. O. Box 125, Columbia, South Carolina 29214

SC REVENUE PROCEDURE 95-7 (ABC)

SUBJECT: Penalty Guidelines for ABC Violations
(ABC Laws)

EFFECTIVE DATE: Applies to all violation reports received by the Department of Revenue after November 13, 1995.

SUPERSEDES: All previous documents and any oral directives in conflict herewith.

REFERENCE: S. C. Code Ann. Title 61 (Supp. 1994)

AUTHORITY: S. C. Code Ann. 12-4-320 (Supp. 1994)
S. C. Revenue Procedure #94-1

SCOPE: A Revenue Procedure is a statement which provides information of a procedural nature. It is valid and remains in effect until superseded or modified by a change in the statute or regulations or a subsequent court decision, Revenue Procedure or Revenue Ruling.

INTRODUCTION

This procedure is an advisory opinion providing guidelines to be used by Department employees in assessing penalties for violations of the statutes and regulations governing the sale, distribution, or possession of beer, wine, and distilled spirits. The purpose of this procedure is to insure uniform penalty application. Flexibility is allowed to deal with situations that do not fall exactly within the guidelines.

The General Assembly established varying maximum penalties for the different types of licenses authorizing the sale of beer, wine, or distilled spirits. This procedure recognizes that the General Assembly found there was a difference between the different types of licenses.

PROCEDURE

The Department recognizes that insuring compliance with the law, not punishment, is the reason for administrative penalties. Accordingly, except for the most serious offenses, the Department adopts a progressive response to assessing penalties. The penalties listed below list a monetary amount or a license suspension period or license revocation. In counting the previous number of violations at the licensed location, the Department will go back three (3) years from the date of

the most recent violation. Multiple violations written on the same date may, at the Department's discretion, be counted as one (1) violation, but separate penalties will be assessed for each violation.

These are guidelines only and this advisory opinion does not establish a binding norm. There will often be circumstances present that call for either more severe or less severe sanctions for an offense. These guidelines do not restrict the Department's authority to impose any sanctions within the statutory authority granted by the General Assembly.

OFFENSES AND PENALTY GUIDELINES

Beer and Wine (Retail)

All offenses except as specified below:	1st offense - \$400 2nd offense - \$800 3rd offense - 45 days suspension 4th offense - revocation
Dishonored checks to whole-salers:	1st offense - warning 2nd offense - \$25 3rd offense - 15 days suspension 4th offense - 30 days suspension 5th offense - revocation
Hindering/delaying inspection:	Revocation
Permittee/employee not of good moral character:	Revocation
Permitting drug offenses:	Revocation
Permitting lewd entertainment:	Revocation
Permitting public nuisance:	Revocation
Any time the department seeks the revocation of a minibottle license or an adjoining retail liquor license:	Revocation

Minibottles - Retail Sale and Consumption

All offenses except as specified below:	1st offense - \$400 2nd offense - \$500 3rd offense - \$500 and revocation
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Any time the department seeks revocation of beer and wine permit: Revocation

Avoidance of taxes by refilling minibottles: \$1,000 and revocation

Failure to be primarily engaged in the Preparation and serving of meals: Revocation

Liquor (Retail)

All offenses except as specified below: 1st offense - \$400
2nd offense- \$800
3rd offense - 45 days suspension
4th offense - revocation

Any time the Department seeks revocation of an adjoining beer and wine permit: Revocation

Dishonored check to wholesaler: 1st offense - \$100
2nd offense - \$200
3rd offense - 15 days suspension
4th offense - 30 days suspension
5th offense - revocation

Interest in more than 3 retail stores: Revocation

Hindering/delaying inspection: Revocation

Licensee or person having actual control not of good repute: Revocation

Wholesale Beer and Wine and Wholesale Liquor

All offenses except as specified below: 1st offense - \$500
2nd offense - \$1,500
3rd offense - 45 days suspension
4th offense – revocation

Licensee or person having actual control not of good repute: Revocation

Note: Failure to pay any penalty will subject the license holder to the Department's normal collection and enforcement procedures as authorized by statute.

For questions concerning penalty guidelines for ABC violations, contact Davis Brown at (803) 737-4767.

SOUTH CAROLINA DEPARTMENT OF REVENUE

s/Burnet R. Maybank III
Burnet R. Maybank, III, Director

Columbia, South Carolina
November 13 _____, 1995