



INSPECTIONS

Enforcement Division

Policy Number: LE 1.02.00

Effective Date: 2/1/08

POLICY

The Texas Alcoholic Beverage Commission (TABC) conducts inspections to deter and detect violations of the Alcoholic Beverage Code, Commission Rules, and applicable laws and to encourage voluntary compliance on the part of permittees, licensees, their customers, and the general public.

An inspection is a compliance check involving a specific physical location. The location may be a licensed premise, or it may be a location for which no permit or license has been issued. Certified peace officers (CPOs) conduct various forms of inspections, including *full-open inspections*, *open violation checks*, *external surveillance*, *undercover operations*, and other enforcement operations. Open inspections involve the six-step process described in this section. Refer to *Activity Class & Type Selections* for a complete description of the various forms of inspections.

CPOs may select a specific location for inspection for one or more reasons. The most common of these include:

- a history of administrative or criminal violations;
- a complaint from another agency or a member of the public alleging unlawful conduct at or around the location;
- a request from a permittee, licensee or property owner for assistance with preventing others from committing alcohol-related violations on the licensed premises;
- direct observation of suspicious activity or unlawful behavior; and
- the need to visit a location that has not yet been inspected during the current fiscal year.

The TABC refers to inspections of locations that have not been visited during the current fiscal year as "unique inspections." These inspections are unscheduled compliance checks, usually regulatory in nature. They are intended to verify continued compliance on the part of a permit or license holder and his or her staff and to provide them with a better understanding of their legal responsibilities.

The Compliance Division also conducts inspections. To avoid duplicative work, both the Enforcement Division and the Compliance Division will use the *Not Inspected List* to choose which locations to inspect.

PROCEDURES

a. Identify Self.

1. The CPO will identify himself or herself to a location representative by stating his or her name and title and will present his or her identification.
2. The CPO will explain that he or she is visiting the location in order to conduct an

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- inspection of the licensed premises.
3. The CPO will speak with the location representative and will attempt to determine who the owners are and what role the representative plays in the business.
 4. If the location representative is not a manager, the CPO will then ask to speak with a manager and will repeat this identification process to the manager.
- b. Explain Inspection.**
1. The CPO will explain what will occur during the inspection.
 2. The CPO will notify the permittee or licensee of any problems reported regarding the location or in the local area.
 3. The CPO will discuss seller training. The CPO should do the following:
 - inquire about the location's policy regarding seller training and whether the policies are posted;
 - ask whether all employees are seller-trained;
 - inform the location's representative of the benefits of seller training; and
 - offer to answer any questions.
- c. Locate the Permit or License.**
1. The CPO will ask where the permit or license is posted.
 2. The CPO will identify the type of permit or license and ensure that it is valid.
- d. Observe Location for Violations and Offenses.** The CPO will observe the location for any administrative or criminal violation.
- e. Take Appropriate Action.**
1. The CPO will contact any individual whom he or she observes violating the Alcoholic Beverage Code, Commission Rules, or other applicable law.
 2. If possible, the CPO will explain the reason he or she is speaking with the individual.
 3. The CPO will escort the individual to a safe location in order to minimize any disruption to the location, to effectively interview the individual, and to determine what action to take.
 4. The CPO will interview the individual and determine whether to issue a verbal or written warning or to write an administrative notice or criminal citation. The CPO will then determine whether to arrest the individual.
- f. Leave the Location.** The CPO will ask the manager or other representative if he or she has any questions and discuss any concerns discovered during the inspection.
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RELATED INFORMATION

*Activity Class & Type Selections
Not Inspected List*
