

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Philip H. Mendelson
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: June 11, 2013

SUBJECT: Fiscal Impact Statement – “Revised ABRA Civil Penalty Schedule Approval Resolution of 2013”

REFERENCE: Draft resolution shared with the Office of Revenue Analysis on June 10, 2013

Conclusion

Funds are sufficient in the FY 2013 budget and the proposed FY 2014 through FY 2017 budget and financial plan to implement the resolution.

Background

The proposed resolution would approve rules that revise and update the existing Alcoholic Beverage Regulation Administration (ABRA) civil penalty schedule. This schedule is codified in Section 800 of Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the D.C. Municipal Regulations. The proposed penalty schedule includes several violations that have been added to the statutes and regulations since 2004—the last time the penalty schedule was updated.¹ The rulemaking also changes a few violations from primary to secondary tier, and *vice versa*, and amends the penalty for certain secondary tier violations to reflect a mandatory warning for first time offenses.

The Alcoholic Beverage Control Board unanimously adopted the proposed rules on August 15, 2012. The rules will become effective on a permanent basis only after Council approval.²

¹Alcoholic Beverage Regulation Civil Penalty Schedule Regulations Approval Resolution of 2003, enacted December 2, 2003 (D.C. Resolution 15-340, 50 DCMR 10747).

² D.C. Official Code § 25-211(b)(2).

The Honorable Philip H. Mendelson

FIS: "Revised ABRA Civil Penalty Schedule Approval Resolution of 2013" Draft bill shared with ORA on June 10, 2013

Financial Plan Impact

Funds are sufficient in the FY 2013 budget and the proposed FY 2014 through FY 2017 budget and financial plan to implement the resolution.

The fines associated with civil infractions are deposited into the unrestricted portion of the local general fund. The proposed changes do not alter the fine amounts (\$1,000 to \$2,000 for primary offenses, and \$250 to \$500 for secondary offense), but add new infractions to the civil penalty schedule. The new schedule will likely result in more citations and fines, but this amount is expected to be small and cannot be reliably estimated.