



K A N S A S

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DEPARTMENT OF REVENUE
ALCOHOLIC BEVERAGE CONTROL

KATHLEEN SEBELIUS, GOVERNOR

POLICY MEMORANDUM 2002 – 4 (Revised)

Subject: Guidelines for Catered Event Notification

Revision Date: June 1, 2006

1. Purpose: The purpose of this memorandum is to provide clarification of the statutes and regulations as they pertain to notifying local law enforcement agencies and the Division of Alcoholic Beverage Control on catered events.

2. Applicability: This policy memorandum is applicable to all licensed caterers, drinking establishment/caterers and hotel/drinking establishment caterers.

3. Discussion: Issues frequently surface concerning the requirement of licensed caterers to notify local law enforcement and the Alcoholic Beverage Control Division on events they will be catering. Kansas' statutes and administrative regulations require licensed caterers to notify local law enforcement and the ABC prior to conducting catered events. The following paragraphs discuss the catering notification requirement and the Division's policy on notifications, handling late notifications and failure to notify.

a. K.S.A. 41-2643(d) states "A caterer shall notify the director at least 10 days prior to any event at which the caterer will sell alcoholic liquor by the individual drink unless the director waives the 10-day requirement for good cause shown. In addition, prior to the event, the caterer shall notify: 1) The police chief of the city where the event will take place, if the event will take place within the corporate limits of a city; or 2) the county sheriff of the county where the event will take place, if the event will be outside the corporate limits of any city."

b. K.A.R. 14-22-6 (b) requires: "Each caterer shall notify the director not less than 10 days in advance of each event at which the caterer will sell alcoholic liquor by the individual drink." In reference to notifying local law enforcement agencies, K.A.R. 14-22-6 (c) and (d) require respectively: "For each event to be catered in an incorporated city, the caterer shall file with the law enforcement agency for the city in which the event will be held, a notice that an event will be held," and "For each event to be catered outside an incorporated city, the caterer shall file with the sheriff of the county in which the event will be held, a notice that an event will be held." In addition, K.A.R. 14-22-6 (e) identifies specific requirements of the notification. This issue is discussed in paragraph 3 (g) of this policy memorandum.

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c. There are two issues to address when it comes to notifying ABC of catered events. The first is late notification. There are a variety of reasons given by licensees for the late notification. Historically, the Division policy has been to accept most late notifications but to process them as violations consistent with our penalty structure. For this violation, the first offense was a \$250 fine with subsequent violations increasing by \$250 incrementally until the fifth violation, at which time the license was to be revoked. This approach caused licensed caterers to fail to notify the ABC at all due to the perceived severity of the penalty.

d. The statute authorizes the Director to waive the 10-day requirement “for good cause shown,” but fails to define “good cause shown.” There are two major categories that the ABC generally accepts as “good cause:” 1) Licensees are often contacted late by persons desiring their services; and 2) caterers simply fail to recognize the deadline and submit the paperwork timely. Late notifications impact the overall ability of the ABC and local law enforcement to enforce the liquor laws. Accordingly, licensees should make every attempt to provide at least 10 days advance notice of catered events.

e. The second issue with regard to notifying ABC of catered events is complete failure to notify the Division. Complete failure may be intentional or unintentional but the fact remains that proper notification was not provided. Our previous penalty provisions treated failure to notify and late notification the same, despite the disparity between the two.

f. **Original Policy.** The original policy memo on this subject provided guidance effective July 1, 2002 whereby late notifications would be accepted but a graduated fine would be imposed depending on how late the notification was received. This policy was revised effective August 22, 2003, and allowed a no-fine provision for notices received less than 10 days but greater than 5 days prior to the event for “good cause shown”.

g. **Revised Policy.** Effective June 1, 2006, “Good cause shown” will be presumed on any notice provided to the Director within 10 days prior to a catered event. Failure to notify the Director prior to a catered event will result in a \$250 fine for a first offense. Under a progressive fine structure, each subsequent violation will increase by \$250 per violation through the fourth violation. A fifth violation of this nature will normally result in revocation of the caterer’s license.

h. **Specific notification requirements.** K.A.R. 14-22-6 (e) requires “Each notice ...shall contain:

(1) a copy of the catering contract, in force or proposed, with the sponsor of the event, if applicable;

(2) a clear description of the event premises which shall be in enough detail that the event premises are identifiable;

(3) disclosure of all personnel who will be mixing or dispensing alcoholic liquor at the event, and

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(4) a statement of the dates the event will be conducted and the hours of operation on each date.

The Notification of Catered Event form, ABC Form 318, supplies space to provide a “clear description of the event premises” and “a statement of the dates ...and the hours of operation.” The other two items listed under paragraphs 1 and 3 above are NOT REQUIRED TO BE SUBMITTED with the notification of catered event document. However, both of these items, a contract and a listing of employees mixing or dispensing alcoholic liquor at the catered event, must be available and on-hand at the actual event.

i. **Notification Procedures.** Caterers may submit their notification either by mail or fax to ABC. On all late notifications, please include an explanation of the late notification to show good cause. Failure to provide the explanation may result in a violation carrying the penalties as if no notification was provided. The ABC Form 318 (Notification of Catered Event) may be mailed, faxed or emailed to:

Kansas Alcoholic Beverage Control Division
Attn: Special Events Coordinator
Docking State Office Building, Rm 214
915 SW Harrison Street
Topeka, KS 66625-3512

or fax to: (785)296-7185

or email: abc_mail@kdor.state.ks.us

4. Additional Comments:

a. Failure to comply with the applicable statutes, regulations and/or this policy memorandum, may result in administrative action for violation of the liquor laws.

b. ABC Agents and local law enforcement officers will verify compliance with the provisions of the applicable statutes, regulations and this policy memorandum.

5. Clarification of Policy: All requests for clarification of this policy should be directed *in writing* to this office via mail, fax, or email.

6. Effective date of this Policy: The original policy was effective August 22, 2003. This revised policy is effective from June 1, 2006 until further notice.

Original Signed and On File

Thomas W. Groneman

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cc: Assistant Attorney General
Chief of Enforcement
Licensing Supervisor
Compliance Supervisor
Administration Supervisor
Enforcement Agents

Attachment: ABC Form 318
(down load from “<http://www.ksrevenue.org/abc/other-forms.html>”)

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