

POLICY MEMORANDUM 2002 – 4 (Revised)

Subject: Guidelines for Catered Event Notification

Revision Date August 1, 2010

1. **Purpose:** The purpose of this memorandum is to provide consistency in the enforcement of the requirement that a caterer provide notification of a catered event to the ABC Director at least ten days prior to the event and to provide direction to licensees on how to request that the requirement be waived for good cause shown.
2. **Applicability:** All Caterers, drinking establishment/caterers and hotel/caterers licensed under the Club and Drinking Establishment Act, collectively referred to in this memorandum as “caterer”.
3. **Discussion:** K.S.A. 41-2643(d) requires a caterer to notify the ABC Director at least ten days in advance of an event (“catered event”) at which the caterer will sell and serve alcoholic liquor by the drink unless the Director waives that requirement for good cause shown.

ABC shall immediately begin to strictly enforce the ten-day notification requirement for catered events. This memorandum notifies caterers of the consequences of failing to timely notify ABC of a catered event. The following guidelines shall be used by ABC in determining whether administrative action should be brought for late or nonexistent notification and, if so, what kind of penalty shall be proposed.

a. Notification received less than ten days prior to the event

- Any caterer who notifies the Director of a catered event less than ten days prior to that event is subject to administrative action for a violation of K.S.A. 41-2643.
- The Director may waive the ten-day requirement for good cause shown. Good cause may be shown by the following:
 - Reliable evidence in the form of a contract or other documentary evidence signed and dated by the sponsor of the event that the caterer was not contacted by the sponsor until less than ten days prior to the event; **or**
 - Reliable evidence of extreme unforeseen circumstances that prevented the caterer from notifying the Director at least ten days prior to the event.
- Any caterer sending notification of a catered event who wishes to have the ten-day period waived for good cause shown must include with its notification reliable evidence as described above that the caterer was incapable of providing timely notification.
- If the ten-day requirement is waived by the Director for good cause shown, the notification shall be marked as such and returned to the caterer.
- If the ten-day requirement is not waived, or the caterer fails to provide reliable evidence that it was incapable of notifying ABC timely, then an administrative citation may be issued.
- The penalty for any administrative action taken against a caterer for a violation of the ten-day requirement will be based on the ABC penalty schedule and the caterer’s violation history, as well as any mitigating or aggravating circumstances that may be present.

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b. No notification given or notification given after the beginning of the catered event

- The Director will **not** waive the ten-day requirement for good cause shown when the caterer fails to notify the Director of the catered event **before** the event begins or fails to provide any notification at all.

- Any caterer who fails to notify the Director before a catered event begins or who fails to provide notification at all is subject to administrative action against its license. Administrative action includes a civil penalty of \$1,000 **and may** also include license suspension or revocation.

4. Notification Procedures. The ABC Form 826 (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

Fax: (785)296-7185
email: abc_mail@kdor.state.ks.us

- 5. Additional information:** Regardless of whether notification is provided of a catered event and whether the ten-day requirement is waived for good cause, every caterer must conduct its catered event in accordance with the provisions of K.S.A. 41-2643 and title 14, article 22 of the Kansas administrative regulations. Failure to comply with all requirements of the club and drinking establishment act and Kansas regulations may result in administrative and/or criminal action against the caterer or its agents and employees.
- 6. Clarification of Policy:** All clarification requests to this policy should be directed in writing to this office via mail, fax, or submitted to the agency's email at abc_mail@kdor.state.ks.us.
- 7. Effective Date of this policy:** The original policy was effective August 22, 2003. This revised policy is effective from August 1, 2010 until further notice.

Original Signed and On File

Thomas W. Groneman

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