ABC Board reverses its first 'no tolerance' policy penalty

By FRANK MAIN
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The Alcohol Beverage Control Board promised "zero tolerance" for violations of the city-parish's liquor ordinance earlier this year, but the board already has softened a stiff penalty against a Highland Road convenience store.

The board passed a policy in March requiring the suspension or revocation of stores' licenses for first offenses of the local wine, beer and liquor ordinance.

In May, the board found Am Mart at 2400 Highland Road guilty of selling beer to teen-agers. The store's liquor license prohibited the sale of alcohol to minors.

The April 3 incident was Am Mart's first offense. Before the so-called "zero-tolerance policy" was passed, first offenders typically received warnings, except under aggravating circumstances.

In May, the ABC Board revoked Am Mart's liquor license for a year. Am Mart became the first business in East Baton Rouge Parish to be penalized under the zero-tolerance policy.

But the board reversed itself last month, records show.

At a June 18 hearing, the board lifted the revocation, gave Am Mart a temporary permit and placed the store on 60 days' probation. The store will receive a permanent license if no more violations occur by Aug. 17.

Tran Nguyen, treasurer of the store, appeared before the board with lawyer Davis Gueymard, who appealed the store's license revocation.

Gueymard told the board that the employee who sold beer to the minors, James Earls Jr., no longer works for the store.

ABC Director Marcus Wright said the board also considered the Nguyen's limited ability to speak English. Nguyen, unaccompanied by a lawyer for the May hearing, was unable to explain the "glaring inconsistencies" in Earls' testimony before the board, Wright said.

The board voted 4-1 to lift the revocation of Am Mart's license and give the store a temporary license. The Rev. Joseph Newton, a board member, cast the only "no" vote.

The store's liquor license was suspended for six weeks from May to June. Although the one-year revocation of the store's license did not stick, the suspension still was stiff, Wright said.

"Six weeks' suspension for a first offense for unlawful sale of alcohol to a minor is pretty strong," he said. "If other businesses knew they would get six weeks instead of six days, they'd be shocked."

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