

Report on the Response of the Virginia Department of Alcoholic Beverage Control to the Impact of the Aging of Virginia's Population

11/17/2014



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Dear Ms. Marschean,

Pursuant to Code of Virginia §§ 2.2-5510 and 51.5-136, the Virginia Department of Alcoholic Beverage Control submits this report of its progress in addressing the impact of the aging of Virginia's population.

Please contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Painter". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

Jeffrey L. Painter
Chairman
Virginia Department of Alcoholic Beverage Control

Contact information for agency person responsible for reviewing policy and programs and accommodating the interests of older adults and adults with disabilities under Code of Virginia § 2.2-604.1:

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Executive Summary

Virginia's rapidly aging population will impact the Virginia Department of Alcoholic Beverage Control (ABC) through workforce composition and retirement issues and the need to accommodate older adults who use agency websites and selected publications. ABC is paying particular attention to public safety issues related to older adults through collaborative education and prevention work. Older adults face distinct and often underestimated risk factors for substance misuse. These age related factors range from life-changing events, such as retirement or bereavement, to mixing alcohol with prescription and over the counter medications.

The Alcohol and Aging Awareness Group (AAAG) was created in March 2007 in response to a Governor's mandate, HB 110 (2006 Session). The AAAG is a partnership of state agencies, private businesses and non-profits, that share a common concern for the health and safety of Virginia's aging population.

AAAG Mission: To be the leader in providing education, training and resources on the use of alcohol and medications as adults age.

AAAG Vision: Virginians aging successfully, safe from alcohol and medication misuse.

Since 2007, dozens of agencies, organizations and individuals have dedicated time and expertise to contribute to the AAAG mission by providing awareness and education through: training, publications, public relations, advertisements, conferences, exhibits, presentations, web presence, public service announcements and more.

During 2014, ABC and the AAAG membership reviewed AAAG's goals, strategies, evaluation measures, policies and procedures. To evaluate how the AAAG can best serve older adults and be a resource to AAAG membership, ABC will initiate a comprehensive needs assessment including an associated research/data review and resource evaluation.

Agency Description

The Virginia Department of Alcoholic Beverage Control (ABC) was formed in 1934 after the repeal of Prohibition. With the passage of the 21st Amendment to the Constitution, power for the regulation of alcoholic beverages reverted to individual states. In Virginia, ABC became the sole wholesaler and retailer of distilled spirits and the primary regulating authority for the manufacture, distribution, transportation, sale and consumption of other alcoholic beverages.

Like any enterprise, the mission of the agency has evolved. Today, ABC retains its initial distribution and enforcement powers but has added the responsibility for tobacco enforcement. It has also grown into a significant source of revenue for the Commonwealth with annual sales of almost \$775 million and contributions to state coffers of over \$340 million each year. Eighty years since its inception, ABC is a modern, innovative agency accountable to the citizens of the Commonwealth and beyond.

The public safety mission of ABC results directly from being the primary agency to regulate the manufacture, distribution, sale, transportation and consumption of alcoholic beverages. This goal is the cornerstone of services to ABC licensees, compliance with alcohol and tobacco laws particularly for underage persons, and the responsible consumption by adults who choose to purchase ABC products. Prevention and education programs and services are provided for all age groups. The prevention efforts in the public safety service area align with inspiring and supporting Virginians toward healthy lives and strong and resilient families. All of ABC's strategic goals align with the objectives of engaging and informing citizens to ensure their interests are served.

ABC Mission: To control the distribution of alcoholic beverages; operate efficient, conveniently located retail outlets; enforce the laws of the Commonwealth pertaining to alcoholic beverages and youth access to tobacco products; and provide excellent customer service, a reliable source of revenue, and effective public safety.

ABC Vision: To enhance the quality of life for Virginia's citizens by balancing service, revenue and control in the distribution, sale and consumption of alcoholic beverages.

Law Enforcement

ABC works to ensure that adults of legal age who choose to responsibly consume alcohol can do so in a safe environment - one that operates in compliance with the laws and regulations of the Commonwealth. ABC's sworn officers have full police powers with a diverse range of duties - from investigating license applicants and conducting underage sale compliance checks, to enforcing criminal and ABC laws in more than 17,500 licensed establishments. Criminal activities ranging from drugs and gambling to money laundering and tax evasion are investigated and prosecuted through the court system. ABC special agents also participate in state, local and federal investigations involving crimes such as illegal liquor manufacture and distribution, cigarette smuggling, drug distribution and more.

Stores

With 350 stores in convenient locations throughout the Commonwealth, ABC is dedicated to providing legal-aged adults with an enjoyable, modern shopping environment. ABC balances its role as an efficient, consumer-oriented service agency by constantly monitoring the number of and the activity in its retail outlets. The density of stores in Virginia is significantly lower when compared to states of similar size. This difference holds true with respect to “control state” counterparts as well as open states with comparable populations. ABC also utilizes a range of policies to regulate sales. Store hours are limited, but in line with other convenience retailers.

Education and Prevention

ABC is committed to alcohol prevention and community education initiatives for all age groups. Dedicated to decreasing the illegal and irresponsible use of alcohol, ABC promotes responsible distribution of alcoholic beverages by licensees, responsible consumption by those of legal age and zero tolerance for underage consumption. Initiatives include:

- Virginia College Alcohol Leadership Council- A statewide professional affiliate group that addresses alcohol, tobacco, and other drug issues on college and university campuses.
- Project Sticker Shock- Supplies are provided to community groups in an effort to decrease social providing. The project includes stickers being placed on alcohol packaging reminding buyers to not provide to minors and is done in conjunction with a press event to help raise awareness.
- Responsible Sellers and Servers: Virginia’s Program; Managers’ Alcohol Responsibility Training- Trainings are held regionally and conducted by ABC special agents to help licensees become more responsible and to better understand Virginia laws, rules and regulations.
- Alcohol and Aging Awareness Group- A statewide affiliate group that provides education, training and resources to prevent the misuse of alcohol and medications as adults age.
- Virginia Office for Substance Abuse Prevention- An organization that promotes collaboration among state and local agencies, organizations, coalitions and faith communities that address substance abuse prevention.
- ABC Education & Prevention Grant Program- Assists community partners to develop and enhance initiatives related to alcohol education and prevention. Grant cycle is July-June with applications due in the spring.
- BOLT (Being Outstanding Leaders Together Against Drugs and Alcohol)- Provides drug and alcohol prevention knowledge to middle school students through regional community collaboration and high school peer leadership.
- Revision of all print publications.
- Online training.

Administrative Hearings

ABC violations investigated by special agents are reported to the Hearings, Appeals and Judicial Services Division to be scheduled for an administrative hearing. Opposing sides introduce evidence in support of their case before an administrative law judge who issues a decision after weighing the evidence presented. Administrative hearings can result in dismissal, fines, suspension or revocation of a license. The Board hears the next level of appeals. In the last five years ABC received per year on average 1,100 requests for hearings. Of those cases received, about half are settled by alternate settlement processes prior to a hearing. Of the cases heard by the Hearings Division about 50 cases on average are referred to the ABC Board for a Board hearing. Of the cases heard by the Board approximately 15 per year are appealed to the Circuit and/or Virginia Court of Appeals.

Licensing

Within the Bureau of Law Enforcement, the Licensing section is dedicated to prompt, courteous and timely processing of all license applications. ABC works closely with local government officials and other regulatory organizations to conduct background checks while working efficiently to ensure licenses are issued in a timely manner.

Judicial and Legislative Affairs

Administrative hearings are generally of three types: (1) Application - to obtain an ABC license. (2) Disciplinary - to determine whether a licensee has violated one or more ABC laws and regulations. One of two settlement options may eliminate the need for a hearing in disciplinary cases: consent settlements and offers in compromise. (3) Wine and beer franchise cases. Should a hearing be required, the hearing officer conducts the hearing in a fair and impartial manner while assuring that all relevant and material information is presented in order to make a reasoned decision. ABC emphasizes a fair and timely hearings process while balancing the needs of multiple constituencies simultaneously.

Information Requested

1. If your agency has undertaken any actions to respond to the current and future impact of an aging population, such as needs assessments, strategic planning, or use of best practices, please briefly describe those actions. Please indicate what assistance from DARS could help your agency as it prepares to serve an aging Virginia population.

Virginia ABC formed the Alcohol and Aging Awareness Group (AAAG) to respond to the current and future impact of the aging population.

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AAAG Vision: Virginians aging successfully, safe from alcohol and medication misuse.

Since 2007 AAAG initiatives included: training, publications, public relations, advertisements, conferences, exhibits, presentations, web presence, public service announcements and more. While AAAG participation has varied during the past seven years, there has been consistent representation, leadership and assistance from DARS. Currently, DARS Adult Program Specialist Tishaun Harris-Ugworji serves as the AAAG Chair. DARS Dementia Services Coordinator Charlotte Arbogast, MSG, assists the group by sharing pertinent research and contributing information regarding dementia.

In addition to DARS, other consistent AAAG partners include representatives from: Virginia Department of Behavioral Health & Developmental Services, Virginia Center on Aging at Virginia Commonwealth University, Center for Gerontology at Virginia Tech, Inova Fairfax Hospital, VCU School of Pharmacy, Virginia Association of Area Agencies on Aging, Virginia TRIAD, Virginia Beer Wholesalers Association, Carilion Clinic and many others.

ABC will seek assistance from DARS as AAAG initiates a needs assessment, data/research review and resource evaluation. These activities will begin in November 2014 and will inform the next phase of AAAG activities and strategic planning.

2. Briefly describe your agency's services that are used primarily by older Virginians and the funding streams (types and amounts) that support those services. If these particular services or funding streams are provided in conjunction with other state or local agencies or other for profit or non-profit organizations, please list them.

AAAG is funded through the ABC Education & Prevention Section (\$25,000 for fiscal year 2015) and a \$5,000 donation from the Virginia Beer Wholesaler's Association (VBWA). In 2014, the VBWA donation will be used to purchase airing of the AAAG public service announcement "[Is This the Memory](#)" in the Richmond and Roanoke television markets during the holiday season.

3. Identify current agency programs specifically designed to serve older Virginians that fall into any of the following eight categories:

- Health Care/Wellness
- Education
- Public Safety (including Adult Abuse Prevention)
- Recreation
- Housing
- Accessibility (including Livable Communities <http://www.vadrs.org/vblc/>)
- Financial Security
- Transportation

The AAAG (described above) is an Education/Wellness/Public Safety program.

4. Is your agency able to meet all of the service demands of older Virginians for the services listed above? If there are any instances where the demand for services exceeds your agency's ability to meet the demand, please indicate the service and the extent of the unmet demand. Also, if your agency maintains waiting lists for services, please provide this information, including the waiting list numbers for each service.

Currently, ABC is undertaking a needs assessment to determine the future of AAAG. At this time ABC has not identified demand for services that exceeds the agency's ability to meet demand.

5. Provide the number of persons, by gender if available, who received services from the agency in each of the past five state fiscal years (FY 2010 through FY2014) who fell into the following age ranges: 60-64; 65-74; 75-84; and 85 and older. If your agency lacks specific information about the numbers of older Virginians it serves but has other evidence indicating that it is serving more or fewer older Virginians than it has in the past, please describe the basis for that estimation.

ABC does not provide direct "services" and lacks specific information about the numbers of older Virginians served.

6. Referring to the services or funding you described in item two, describe any services or funding provided to older Virginians for which the accessibility or availability varies considerably in different parts of the Commonwealth.

Resources are available throughout the Commonwealth.

7. Over the next five to 10 years, in what ways do you anticipate that an aging population will impact your agency's services, funding streams, or policies? Consider the impact from an increase in the number of older Virginians and whether the needs of older Virginians will differ from those of today's older adults. Please include any anticipated impacts upon the cost of services, changes in type of services or the manner of service delivery, or modifications to agency policies, staffing needs, or procedures.

- ABC customers' age base will increase.
 - ABC average workforce age will increase.
 - Industry statistics indicate that older employees eligible for retirement are working longer.
 - HR will need to focus recruitment activities to accommodate and attract an aging workforce market.
 - There may be a need for increased education and prevention programming.
8. Please describe the primary steps that should be taken at the federal, state, or local levels to meet the future demands of older Virginians and to make services delivery more effective and efficient.

No recommendations at this time.

9. Identify the extent to which your agency provides "customer-oriented" publications and websites that are designed to be "senior-friendly." If the information you currently provide is not readily accessible to older Virginians, please identify any steps your agency is taking to improve their access to this information.

The ABC Education & Prevention Coordinator/AAAG Facilitator is currently revising the publication for older adults. This publication will feature "senior friendly" larger print. ABC's current and future web presence is WAI Level A compliant. ABC's new website (to launch early 2015) is as accessible, intuitive, and usable as possible. The new design lends itself to larger fonts and better spacing which will strengthen the user experience regardless of age.

10. Describe any other services or programs that your agency plans to implement in the future to address the impact of the aging of Virginia's population.

No other services/programs to report at this time.

11. Please indicate if your agency is experiencing an increase in employees retiring later and describe any actions your agency is taking or plans to take to accommodate its aging workforce with innovative practices.

Information pertains only to ABC classified employees:

- ABC's average age of employees equals 46.97 years of age.
- 71.4% of ABC employees are age 40 or older.
- 14.4% of ABC employees can currently retire.
- An additional 5.2% of ABC employees can retire within the next 5 years.
- An additional 8.2% of ABC employees can retire within the next 10 years.

ABC recognizes the loss of institutional knowledge that will occur when eligible employees retire. To address this issue the agency developed the Leadership and Management Program (LAMP). This year-long program focuses on preparing and developing potential leaders for ABC's future business needs. Over 50 ABC employees are LAMP graduates. In addition, last year ABC began developing a long-term workforce plan that includes talent management.