

Dear Director Michelle Stone-Principata

I am requesting that you reconsider our request for mitigating factors per 44-3-601(9)

“ When penalizing a vendor who has violated provisions of this article 3 and article 4 of this title 44 that prohibit the service of an alcohol beverage to a minor or a visibly intoxicated person, state and local licensing authorities shall consider it a mitigating factor if the vendor is a responsible alcohol beverage vendor as defined by part 10 of this article 3. In addition, the state licensing authority by rule may include other violations of this article 3 and article 4 of this title 44 that licensing authorities shall consider for mitigation if the vendor qualifies as a responsible alcohol beverage vendor.”

I believe Fruita Liquor Mart qualifies as a responsible vendor; your office received copies of every Fruita Liquor Mart employee's Certified Responsible Vendor Training certification in my last correspondence with Jordan Etzel. We are doing everything we can to prevent this type of violation from occurring.

We have spent a lot of money on in-person training classes by ABT trainers who are listed as certified trainers on your website. We pay a private company to conduct biweekly compliance checks at Fruita Liquor Mart. This is done proactively to ensure our staff is educated in liquor laws and rules and to prevent violations. However, we had an employee on their second day of work panic when the minor operative said they did not have an ID and due to her anxiety elected to sell rather than refuse the sale. This all occurred when the manager had stepped away for a second. We take full responsibility for our actions and have implemented mandatory online training before new employees can work the register.

Your office responded that this was a low-level violation, therefore Fruita Liquor Mart does not qualify for mitigating this violation. I understand that a compliance check failure is a level 1 violation, by regulation. I would think since this is a low-level violation there would be more reason to consider Fruita Liquor Mart a responsible vendor and mitigate the violation by waving the abeyance days or lowering the violation to an Assurance of Voluntary Compliance. It seems that Fruita Liquor Mart fits the language in the statute and the regulations as a responsible vendor and we request that the State Licensing Authority mitigate this violation.

In accordance with the rules 47-601:

The licensee and/or its employees maintain responsible vendor training certification. The State Licensing Authority has received copies of every employee who works at Fruita Liquor Mart training certification.

The licensee has a substantial history of compliance with liquor laws and rules. We purchased Fruita Liquor Mart in 2010, below is a spreadsheet taken from the State Liquor Enforcement Division's website establishing that Fruita Liquor Mart has more than a substantial history of compliance with liquor laws and rules and in the 14 years of business this is the first compliance check failure out of the 19 Liquor Enforcement Division Compliance Checks since 2010.

Fruita Liquor Mart							
DATE	NAME	STATUS	TYPE	ADDRESS	CITY	STATE	ZIP
1/15/2011	Fruita Liquor Mart	Pass	Retail Liquor Store	423 E Hwy 6 and 50	Fruita	Mesa	81521
12/2/2011	Fruita Liquor Mart	Pass	Retail Liquor Store	423 E Hwy 6 and 50	Fruita	Mesa	81521
7/11/2012	Fruita Liquor Mart	Pass	Retail Liquor Store	423 E. Highway 6 and 50	Fruita	Mesa	81521
2/11/2013	Fruita Liquor Mart	Pass	Retail Liquor Store	423 E Hwy 6 and 50	Fruita	Mesa	81521
1/10/2014	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 AND 50	Fruita	Mesa	81521
9/29/2014	Fruita Liquor Mart	Pass	Retail Liquor Store	423 E Hwy 6 and 50	Fruita	Mesa	81521
12/27/2017	Fruita Liquor Mart	Pass	Retail Liquor Store	423 East Hwy 6 and 50	Fruita	Mesa	81521
9/21/2020	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 and 50	Fruita	Mesa	81521
2/22/2021	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 and 50	Fruita	Mesa	81521
9/20/2021	Fruita Liquor Mart	Pass	Retail Liquor Store	423 E. US HWY 6 / 50	Fruita	Mesa	81521
2/22/2022	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
8/9/2022	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
3/13/2023	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
7/24/2023	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
8/31/2023	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
10/18/2023	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521

10/18/2023	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
3/1/2024	FRUITA LIQUOR MART	Pass	Retail Liquor Store	423 E HWY 6 & 50	Fruita	Mesa	81521
5/1/2024	FRUITA LIQUOR MART	Fail	Retail Liquor Store	423 HIGHWAY 6 & 50	Fruita	Mesa	81521

The violation is a first violation, as defined in subsection (B)(4) of this Regulation; This is the first such violation for Fruita Liquor Mart in its 14 years of holding a liquor license.

The extent to which the licensee took prompt and effective self-initiated action to correct the violation and to prevent future violations of the same type from occurring; Fruita Liquor Mark fired the employee who sold on March 1, 2024, implemented a new training program that requires employees have to attend a certified responsible vendor training program before that can be involved in any aspect of an alcohol sale and updated policies.

The violation did not demonstrably result in harm, only the potential for harm; This was a compliance check initiated by the government, so the violation was in a controlled environment where no one was harmed and there was no potential for harm as minor operatives do not drink the alcohol purchased.

The violation was negligent, not willful; This violation occurred when a new employee sold on her second day of work and panicked due to her anxiety.

The violation is not part of a pattern or practice of violations; First sale to a minor violation in over 14 years in business.

The implicated licensee did not encourage others to participate in the same or similar violations; I support the Liquor Enforcement Division, and their mission and would never tell anyone to violate the liquor code or rules.

The violation did not result in serious bodily injury or death; This was a compliance check violation.

The owner or management personnel was not involved in the violation, and/or did not direct their employees to violate the law; This was a compliance check, and a new employee violated on her second day when the manager stepped away for a brief amount of time.

The licensee did not substantially benefit, monetarily or otherwise, from committing the violation. There was no benefit from the violation.

As an owner of a retail liquor store, I work hard to make sure our team members adhere to liquor laws and rules. I depend on my staff to do the right thing by card everyone who appears 50 and below. This violation opened my eyes to a flaw in our system and to correct that we implemented a new training strategy that will prevent this from ever occurring again. Fruita Liquor Mart is a business with a substantial history of compliance, we are taking this very seriously and request that

you reevaluate the decision to not mitigate this violation. I am more than willing to meet with you as your staff said you would be reviewing our request if that is more favorable than this letter.

Please take the time to consider Fruita Liquor Mart a Responsible Vendor and mitigate this violation.

If you need any additional information or have any questions, please let me know.

Sincerely,

Alex Vat