



City of Cambridge

Agenda Item # 3

IN CITY COUNCIL

May 16, 1994

- WHEREAS:** The City of Cambridge supports the work of the Underage Drinking Task Force formulated by the License Commission and Substance Abuse Task Force; and
- WHEREAS:** The City of Cambridge is a diverse community made up of students, tourists, business people and residents; and
- WHEREAS:** The World Soccer Matches will be coming to Boston this summer and will affect our city in terms of people touring, enjoying entertainment and frequenting restaurants in Cambridge; now therefore be it
- RESOLVED:** The City Clerk, on behalf of the City Council, send a letter to the Chairman of the Alcohol Beverage Control Commission, Stuart Krussell and the State Legislature, that Cambridge supports the currently pending legislation/House Bill to allow an alternative identification, namely passports, as identification for liquor service; and be it further
- RESOLVED:** The City Clerk, on behalf of the City Clerk, on behalf of the City Council, send a letter of support to the makers of the proposed legislation and the State Legislature, on the proposal for alternative non-criminal penalties for underage drinkers in addition to the already imposed criminal penalties.

In City Council May 16, 1994.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury,
City Clerk



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VLS
9

Adrem



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 21, 1994

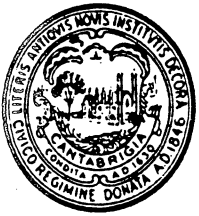
To The Honorable, The City Council:

Please find attached for your information the Underage Drinking Task Force-Final Report.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman


KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member


HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Date: February 16, 1994

To: Robert W. Healy, City Manager

Fr: Richard V. Scali, Executive Officer 

Via: Alex Rodriguez, Chairman 

Re: Underage Drinking Task Force-Final Report

After a series of meetings over the past six months, the Underage Drinking Task Force, headed by Margo Deane, submitted to the License Commission, last evening, February 15th, their final report listing their recommendations to be voted on by this Commission. Although the License Commission has not voted officially on the report enclosed, the recommendations seem highly probable of being passed on February 18th at 2:00 p.m.

At our hearing of February 15th, both Councillor Triantifillou and Sullivan attended and requested that all Councillors received a copy of the report for their action. Thus, I enclose 9 copies plus a copy for you and one extra.

Also, the report recommends a number of items of which this Commission does not have jurisdiction. Some items require City Council action, while others require city support for legislative change or Department of Motor Vehicle changes. With your authority and under your leadership, we would be happy to help coordinate such support or change while the Commission implements the changes under our jurisdiction.

If you wish to speak on this report or need further information, please let me know.

Cambridge Substance Abuse Task Force

"A Community in Partnership"

19 R Brookline Street, Cambridge, MA 02139 (617) 349-6330 Fax (617) 349-6283

Memo:

To: Cambridge License Commission

From: Margo B. Deane/ Project Director Substance Abuse Task Force

Date: February 9, 1994

Re: Underage Drinking Task Force/ Final Report

Enclosed is the final report from the Underage Drinking Task Force which was comprised of the restaurants and bars that were involved in the "sting" operation.

The process the group went through to develop this report consisted of a series of meetings by area and the entire group. The goal of these meetings was to brainstorm and discuss strategies that bars in which brainstorming and discussions took place on strategies for zero tolerance for underage drinking. After the completion of these meetings a voluntary workgroup met on several occasions to further develop and discuss the implementation of these strategies.

The Substance Abuse Task Force has enjoyed working with these establishments, and found their input and ideas most workable. We plan to continue our partnership with staff support, trainings for their Advisory Board, and other needs that are identified.

Tell me - I'll forget; Show me - I may not remember; Involve me - I'll understand.

*Funded by:
Center for Substance Abuse Prevention
MA Department of Public Health
Lead Agency:
Cambridge Department of Human Services Programs*

**PROPOSALS FROM
THE UNDERAGE DRINKING TASK FORCE
TO THE
CAMBRIDGE LICENSE COMMISSION**

FEBRUARY 8TH, 1994

PROPOSALS FROM THE UNDERAGE DRINKING TASK FORCE TO CAMBRIDGE LICENSE COMMISSION

The proposals of the 'Underage Drinking Task Force' ('the Task Force') set out below are intended as the basis for discussion. The Task Force believes that in order to be effective, these proposals must command the broad support of all Cambridge Section 12 Licensees and it will therefore be important to involve those not caught in the recent sting operation in the next stage of discussions. Inevitably this will result in some modification.

Equally, before they reach final form, it will be important to include input from the License Commission, the ABCC, and the Cambridge Police in these proposals.

The Task Force recommendations are as follows :

1. That a Cambridge Licensee Advisory Board ('The Board') be established to improve communication between the Cambridge Licensees as a body and the Cambridge License Commission ('The Commission'). The Board will meet with the Commission regularly to discuss issues of mutual concern. It will represent the views of the licensees to the Commission, and enable the Commission to poll licensees on an as needed basis. In addition, the Board will continue evaluation of some of the proposals listed below.

A detailed proposal for the constitution of the Board is attached as Schedule I.

Additionally, the Board will be provided with the assistance of a trained facilitator under the auspices of the Cambridge Substance Abuse Task Force, who will assist in setting up the working procedures of the Board.

2. Cambridge Licensees should be asked to subscribe to a common ID policy. This will be applied by the overwhelming majority of Cambridge establishments and will be endorsed by both the Commission and the ABCC as a reasonable approach to the underage drinking issue. This policy will improve communication with the restaurant-going public who are presently confused about what precisely constitutes an acceptable ID, as a result of the fact that almost every establishment adopts a different policy.

As part of this recommendation, effective uniform signage for display in establishments applying the policy will be developed. This signage will communicate to the public the need to carry acceptable ID's if they wish to drink alcohol in Cambridge. Provision will also be made for the Board (see above) to help participating establishments to monitor compliance on a voluntary basis.

A detailed description of this policy and various collateral recommendations is attached as Schedule II.

3. The Department of Motor Vehicles should re-introduce the 'Massachusetts Liquor ID' as one way in which the ID problem may be simplified. As part of this recommendation, the Task Force urges the DMV to review its ID requirements prior to issuing a Liquor ID so that non-residents and non-US citizens are not confronted with unreasonable barriers to obtaining the ID.

The Task Force also notes that :

(i) The Massachusetts Liquor ID is not a complete solution to the issue of acceptable ID's, since it does not deal with the issue of tourists.

(ii) Present DMV procedures for issuing ID's and Driver's Licenses are highly susceptible to fraud and should be tightened.

4. The Task Force feels strongly that efforts by the licensees to combat underage drinking are not sufficient and that steps must be taken to deter underage drinkers through penalties being levied on persons under 21 who attempt to obtain alcohol, and also on persons over 21 who attempt to obtain alcohol for those under 21. To this end, the Task Force will write to Speaker Flaherty and other state representatives supporting pending legislation (copy attached as Schedule III) and strongly encourages the Commission to do likewise.

Also, the Task Force would like to set up a meeting with the relevant Officers of the Cambridge Police Department and the Commission to discuss the enforcement of existing regulations concerning persons under 21 who attempt to obtain liquor in Cambridge and are apprehended.

5. The Task Force recommends that the Board, when constituted should pursue the idea of producing a State-wide campaign aimed at increasing support among the restaurant-going public for the idea that carrying acceptable ID is an inseparable and inoffensive part of drinking alcohol in the Commonwealth of Massachusetts. It is thought that funds for this campaign might be obtained from a number of Governmental sources and also large liquor manufacturers. It is also thought that local advertising agencies might be induced to participate on a pro bono basis, and that local media could be induced to discount advertising space.

On a more micro basis, such ideas as notices in taxis, filler space in the Yellow Pages, and widely distributed buttons should be pursued.

6. The Task Force requests that the Commission give serious consideration to the notion that an establishment's record of an offense should be expunged after three years has passed, thereby giving establishments the opportunity to 'turn over an new leaf'.

7. The Task Force recommends that the Board, when constituted, work with the Commission and the Cambridge Substance Abuse Task Force to develop the following ideas further :

- Develop an alcohol awareness program from a licensee's perspective for use in local schools and colleges. This would involve supporting existing alcohol awareness efforts by :
 - Developing literature explaining the Cambridge ID policy.
 - Personal appearances by local restaurateurs at appropriate fora.
 - Considering the development of some type of video aid for educational use on the problems associated with underage drinking.
- Develop an ongoing server training program open to the employees of all Cambridge Licensees.
- Research the idea of licensing servers before they may sell alcohol, and to explore whether this idea can be implemented on a citywide basis or must be pursued statewide in order to be effective and to avoid penalizing Cambridge establishments.

SCHEDULE I :

PROPOSAL FOR CONSTITUTING THE CAMBRIDGE LICENSEE ADVISORY BOARD

OVERALL SCOPE

In general, the Cambridge Licensee Advisory Board (the 'Board') will have no statutory authority but will act as a channel of communication between the City of Cambridge Restauranters holding Section 12 Licenses (the 'Licensees') as a group and the Cambridge License Commission (the 'Commission').

In the near future, the Board will also do any necessary follow-up work on the proposals raised by the present Task Force(s). These include :

- Institution and monitoring of the 'Cambridge ID Policy'.
- Follow up work on Proposal 5 and Proposal 7 from the Proposals from The Underage Drinking Task Force to the Cambridge License Commission (attached).

The Board will also act as a spokesman for Cambridge Licensees to other constituencies on an as needed basis :

- Neighborhood Groups
- The Media
- Other advocacy groups concerned with issues relating to the sale of alcohol (eg : MADD)

MODE OF OPERATION

I. The Board will meet with the License Commission, the Executive Officer of the License Commission, and the Head of the Cambridge Substance Abuse Task Force in a (non-public??) forum not less than once per quarter.

- Prior to each meeting, the Board will solicit input from the licensees about matters of concern which will be raised with the Commission. This may include representations to the Commission regarding past or pending licensing decisions.
- On an ad hoc basis, the Board may be asked by the Commission to poll the licensees on particular aspects of Licensing Policy.

II. The Board will meet privately not less than once per quarter to arrange for the monitoring activity envisaged in connection with the Cambridge ID policy (see separate paper). The Board will not however, share establishment specific information with the Commission unless specifically requested to do so by the licensee in question. The Board however, will make aggregate data available to the Commission.

III. The Board will also meet both with and without the Commission to develop further some of the preliminary proposals raised by the presently existing Task Force(s).

Note : Items II and III may obviously be dealt with at the same meetings.

MEMBERSHIP

The Board will comprise of seven members elected by the seven subsidiary constituencies described below.

ELECTORAL COLLEGE

The electoral college will consist of each Section 12 Licensee in Cambridge, except that any licensee who wishes to take no part in the activities of the Board may elect to do so by writing to the Commission specifically stating that the Board does not represent its views. It is to be hoped that few licensees will exercise this option and the Commission should feel entitled to assume that the Board is representative of the opinion's of all licensees except those opting out in writing.

In order to ensure broad based representation, the electoral college will be divided into seven sub-groups based on geography and economic function. Each sub-group will elect one representative.

Participating licensees will to be a member of both one geographic sub-group and one economic and an economic sub-group, and will choose which sub-groups they belong to based on whichever of the groups best describes their business in the licensees' opinion.

The groups will be as follows :

A. Geographic Sub-groups

- East Cambridge
- North Cambridge
- Harvard Square
- Central Square

B. Economic Sub-groups

- Neighborhood Bars
- Restaurants
- Hotels

EXPULSION

In certain (hopefully rare) occasions, the Board may feel that the behavior of a particular licensee is such that the Board no longer wishes to represent that establishment in any way. In such instances the Board may expel a licensee from the electoral college by a positive vote of not less than five of its members, and will notify the Commission that the Board is no longer representative of that Licensee's opinions.

IMPLEMENTATION

Assuming that the Commission accepts this recommendation, it is suggested that the Commission write to all the Section 12 Licensees inviting them to participate in a meeting to discuss the recommendation and to amend it as appropriate. Subsequent to this meeting, elections to the Board will be held.

Once the Board is constituted, it will invite members of the other two groups of liquor licensees, Package Stores and Private Clubs to participate in the activities of the Board, and the Board will be expanded to include representatives of these groups if they choose to participate. Failing this, it is recommended that the Commission establish similar organizations to facilitate communication with these constituencies.

SCHEDULE II :

RECOMMENDATIONS FOR COMMON ID POLICY

PREAMBLE

To make significant progress on the problem of underage drinking, requires cooperation and active support from four separate constituencies : The Licensing Authorities, the Restaurant Owners, the Restaurant Employees, and the Restaurant-going public. Any proposal that fails to secure the willing support of all of these groups is doomed to be ineffective.

BACKGROUND

One of the obstacles to more effective enforcement of the minimum drinking age law is the absence of a common approach to ID requirements. This affects the attitude of all of the relevant constituencies :

1. The Restaurant-going Public is confused about what is acceptable, and is understandably incensed when an establishment refuses to accept an ID which was deemed perfectly acceptable by another one round the corner. Such inconsistency is viewed as unreasonable and has two results : On any particular evening, restaurant staff are placed under enormous pressure to conform to the least stringent possible ID policy, since that is "what the other place does". More subtly, it results in the whole notion of asking for ID's being held up to ridicule amongst the very group of people, restaurant patrons, whose cooperation and understanding is critical to a successful assault on underage drinking.
2. Restaurant Employees generally live by their tips and are therefore reluctant to offend any customer by enforcing an ID policy which customers perceive as unreasonable. This is particularly true if the restaurant employee is not convinced that the policy in question is reasonable either. Evidently an employer may mandate a policy over the views of the staff, but it would be naive to expect it to be followed universally.

3. Restaurant Owners The root cause of diverse ID Policies is that while the law is clear in placing responsibility for not serving underage patrons upon licensees, it provides no guidance on how, in the absence of any national identity card, a 'reasonable man' might go about discharging this responsibility. The result is considerable uncertainty among owners as to how exactly to balance their obligations as licensees with the commercial pressure not to offend or turn away customers. This results in mixed messages being sent to the public and reduced public support for any ID Policy.

4. The Licensing Authorities are relevant to this issue since it is they who define what precautions a 'reasonable man' would take to avoid serving an underage customer. At present this is done implicitly in the course of public hearings to deal with offending establishments, since the authorities take into consideration an establishment's prior record and the circumstances surrounding the offense in the course of their deliberations. However, the fact that this definition of 'reasonable behavior' on the part of a licensee is implicit rather than explicit, creates more uncertainty than is necessary. In Massachusetts, this uncertainty is further exacerbated by the fact that there seems to be no clear consensus between the Local and State Authorities, and that the State Authority takes a particularly extreme position in denying the validity of any non-Massachusetts ID.

PROPOSAL

I. To reduce underage drinking by developing an ID policy to which Cambridge restaurant owners will voluntarily subscribe and which can be enforced effectively because it commands broad support amongst both the restaurant-going public and restaurant staff as a reasonable approach to the problem.

II. To encourage wide application of this policy by obtaining the explicit acceptance from the Licensing Authorities that this policy, if adequately enforced represents the steps that a 'reasonable man' would take to comply with the law.

III. To assist restaurant owners in ensuring that restaurant staff enforce the policy by developing a voluntary, ongoing monitoring program.

SPECIFIC RECOMMENDATIONS

1. Cambridge restaurant owners will be asked to adopt and enforce the ID policy attached as Exhibit 1. (This is only a First Draft).

2. The Cambridge License Commission will be asked to endorse the policy as being one which a 'reasonable man' would take in order to discharge a licensee's obligation not to serve minors. This would not automatically exempt a licensee from any penalty if the establishment were found to have served a minor, but the establishment's adoption of the policy would be considered as a mitigating circumstance (if relevant) in considering any such penalty.

3. The ABCC would be asked to endorse the policy on a similar basis.

4. All establishments subscribing to the policy would display the sign attached as Exhibit 2 (again only a draft) in an effort to raise awareness amongst the restaurant-going public that they must carry a suitable ID if they wish to purchase liquor.

5. Assuming that an 'Advisory Board' is instituted in line with Recommendation #1 (Proposals from the Underage Drinking Task Force), this Board will review the ID Policy with the License Commission not less than once per quarter and make changes in it in the light of actual experience.

6. A Compliance Monitoring Program will be instituted, managed by the 'Advisory Board' in which restaurants applying the 'Cambridge ID Policy' may elect to participate. It will consist of regular bi-monthly visits to each establishment subscribing to the ID Policy by trained restaurant spotters who will be selected based on the fact that they should be asked for ID under the ID Policy. They will report on whether the policy was followed in respect of themselves and will also observe whether it was followed in respect of other patrons. The spotters will write up a report based on each visit and the Advisory Board will tabulate aggregate data. Based on this information, the Advisory Board will distribute a bi-monthly report to each participating establishment.

The cost of this program will be born by participating establishments. Each establishment visit should take one hour and cost approximately \$50.00. The annual cost to participating establishments will therefore be \$300-\$350 including report preparation and distribution costs.

Establishment specific information will not be provided to the Licensing Authorities without the prior written permission of the establishment's owner. Aggregate information may however, be provided in order to help assess the benefits of this program.

EXHIBIT 1 :

CAMBRIDGE ID POLICY

To : All Service Staff

1. This establishment does not ever serve alcohol to people under 21. This is our obligation under the law and we take it seriously.
2. It is the responsibility of each server and bar staff member to ensure that no one under 21 is served alcohol. It is also your responsibility to ensure that alcohol is not passed to people who you have not ID'd.
3. When there is any question at all of whether a person is 21 or not, then they should be asked for an ID. In practice this means that any person who is not clearly over 30 should be asked for an ID. (Look for wrinkles/crows' feet, people under 30 generally have far fewer of them. Hands can also be revealing.)
4. Acceptable primary ID's, which must have a photo, are :
 - A Massachusetts license.
 - A Massachusetts liquor ID plus one back-up ID (see §5. below for list of acceptable back-ups).
 - Any other US driver's license with a picture, plus one back-up.
 - A US Passport.
 - Any other Passport plus one back-up. Take care however, to examine any hand written passports for signs of tampering.
 - A US 'Green Card', formally known as a Permanent Resident Alien ID.

Note that all of the above must have photo's.

Duplicate Licenses are acceptable only if they have a photo and a back-up ID.

Expired Documents are acceptable only if they expired less than two years ago and there is one back-up ID, and the photograph is a good match to the customer's present appearance.

5. For these purposes acceptable back-ups are :

- A major credit card
- A student ID with picture from a major university
- Picture ID from a major corporation
- A Social Security Card
- A Military ID

If in any doubt as to whether a primary ID or a combination of ID's is acceptable (no list can be exhaustive) consult a manager and refuse service until the manager has made a decision - always err on the side of caution.

6. When examining ID's remember actually to look at the ID - is it really the person in question? Ask them for their birth date or social security number if you are in any doubt, or ask for another ID. Be skeptical if the ID looks altered in any way or it just does not look right. Again, if in doubt ask a manager.

7. When there is a person on the door, all patrons will be rubber stamped. At these times, a rubber stamp is an acceptable ID. All other patrons should be asked for ID or sent to the doorperson to get a rubber stamp. Do not rely blindly on the person on the door, he (or she) is there to help, but not to substitute for your judgement. If you have any doubt about what our current rubber stamp looks like get a manager to show you.

NOTE : Evidently this clause will not be relevant to establishments which do not employ doorpersons.

Inevitably some cases will arise which are not covered by this policy and Managers therefore have the authority to make exceptions on a case by case basis. Please be aware however, that even if such an exception is made, this is not an implied criticism of you if you had earlier refused to serve the customer. We ask you to exercise caution in applying this policy and that is precisely what we want you to do.

Sadly, it is also true that some people will object to being asked for an ID, and will make a row about being refused service if they cannot produce one. In these circumstances please be polite even if they are not, but also be firm. Do not hesitate to call for a manager in these circumstances and let the manager take the heat. Also, you should all have access to the cards (sample attached) which bear a message from me to our customers. Please feel free to say that you are following my instructions, and that I will be happy to talk to any customer who feels aggrieved. Again please note that even if I agree with an aggrieved customer this does not imply criticism of you - so long as you have been polite you will have no reason to apologize to me or anyone else.

Please feel free to call me if any of the above is not clear.

Finally, if in the course of applying this policy, you feel that it can be improved or that there is anything else we can do to make it easier for you to apply it, please let me know.

Thank you,

John Smith
Owner/Manager
Tel: XXX-XXX-XXXX

Sample Card for distribution to customers,

TO OUR CUSTOMERS :

As a licensed premises we have an obligation to avoid serving alcohol to people under 21, and we take this obligation seriously. Unfortunately there is no way to do this without occasionally inconveniencing or embarrassing some of our customers and for this I am truly sorry.

In response to public concern over this issue the Cambridge Licensees have worked with the Cambridge License Commission to develop a uniform ID Policy which many local establishments, including this one, now use. If you have had problems with any aspect of our ID policy, or you would like to discuss this matter further please feel free to call me. I would welcome any comments that would help us improve our service.

Thank you for coming to XYZ.

Yours sincerely,

Telephone : XXX-XXX-XXXX

John Smith
Owner

EXHIBIT 2 :

IDENTIFICATION

**YOU CAN ONLY DRINK ALCOHOL HERE IF YOU
ARE OVER 21**

**ALCOHOL ABUSE BY MINORS IS A SERIOUS
SOCIAL PROBLEM AND THEREFORE, EVEN IF
YOU ARE MUCH OLDER THAN 21 WE MAY ASK
YOU FOR IDENTIFICATION**

PLEASE BEAR WITH US

AND HAVE YOUR ID READY

THIS ESTABLISHMENT OPERATES THE ID POLICY DEVELOPED BY
THE CITY OF CAMBRIDGE LICENSE COMMISSION AND THE
CAMBRIDGE LICENSEES. IF YOU HAVE ANY DOUBT AS TO WHETHER
YOU HAVE ACCEPTABLE ID PLEASE ASK TO SEE A MANAGER

IF YOU WOULD LIKE TO A COPY OF THE CAMBRIDGE ID POLICY OR
IF YOU HAVE ANY COMMENTS ON THIS POLICY PLEASE ASK TO SEE
A MANAGER, OR CALL ME AT THE NUMBER BELOW, OR WRITE TO
THE CHAIRMAN, CAMBRIDGE LICENSE COMMISSION AT
831 MASSACHUSETTS AVE, CAMBRIDGE, MA 02138.

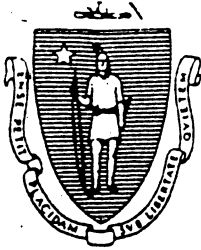
THANK YOU FOR YOUR COOPERATION

JOHN SMITH
OWNER

TEL : XXX-XXX-XXXX

**PLEASE NOTE THAT MISREPRESENTING YOUR
AGE IN ORDER TO BUY ALCOHOL, OR BUYING
ALCOHOL FOR PERSONS UNDER 21 IS A CRIME**

SCHEDULE 3 :



*The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission
Severett Talton Hall Building, Government Center
100 Cambridge Street, Boston 02202-0002*

TELEPHONE 617-727-304
Fax 617-727-1251

1994 Proposed Legislation

Re: AN ACT RELATIVE TO UNDERAGE DRINKING

Proposed Language:

Section 1. Chapter 138 of the General Laws, as appearing in the 1990 official version, is hereby amended by inserting the following section 34F:

Any agent of the commission, agent of the local licensing authority, or police officer who takes cognizance of a violation of section thirty-four A, thirty-four C, or thirty-four E of this chapter by a person under the age of twenty-one years may as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the clerk at the district court having jurisdiction at any time during office hours, not later than twenty one days after the date of such violation. Such notice shall be made in triplicate, and shall contain the name and address of the offender; the time and place of the violation; the specific offense charged; and the time and place for his required appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgement that the notice has been received. The officer shall if possible deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said notice shall be mailed or delivered by the officer, or by his commanding officer or any person authorized by said commanding officer, to the offender's last known address. Such notice mailed, by the officer, his commanding officer, or the person so authorized to the last address of said registrant as appearing as aforesaid, shall be deemed a sufficient notice, and a certificate of the officer or person so mailing such notice that it has been mailed in accordance with this section shall be deemed prima facie evidence thereof and shall be admissible in any court of the commonwealth as to the facts contained therein. The officer shall give to his

commanding officer those copies of each notice of such a violation he has taken cognizance of which have not already been delivered or mailed by him as aforesaid. Such commanding officer shall retain and safely preserve one of such copies and shall deliver another of such copies to the clerk of the court before whom the offender has been notified to appear. The clerk of each district court shall maintain a docket of all such notices to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice, the sum provided herein, such payment to be made only by postal note, money order or check. Payment to such clerk in the sum of two hundred dollars shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

If any person notified to appear before the clerk of the district court fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure hereinbefore provided for the noncriminal disposition of the case, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases. If any person fails to appear in accordance with the summons issued upon such complaint the clerk shall send such person by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty one days from the sending of such notice a warrant for his arrest will be issued. If any person fails to appear within twenty one days from sending of such notice, the court shall issue a warrant for his arrest.

The notice to appear, provided herein, shall be printed in such form as the administrative justice for the district court department and the administrative justice for the Boston municipal court department may prescribe for their respective departments; provided, however, that a notice prepared pursuant to section twenty A or twenty C of chapter ninety may be so revised or adapted that said notice may also be used for the notice provided for in this section.

Purpose:

This legislation calls for a civil fine penalty to be imposed on underage persons violating the drinking age law.

City of Cambridge

MASSACHUSETTS

CONSENT AGENDA ITEMS

In City Council

May 16

1994

YEA	NAY	ABSENT	PRESENT	
				Ms. Kathleen L. Born
				Mr. Francis H. Duehay
				Mr. Jonathan S. Myers
				Mrs. Sheila T. Russell
				Mr. Michael A. Sullivan
				Mr. Timothy J. Toomey, Jr.
				Ms. Katherine Triantafillou
				Mr. William H. Walsh
				Mayor Kenneth E. Reeves



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 349-6140

ALEX RODRIGUEZ
Commission Chairman

KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Date: March 16, 1994

To: Robert W. Healy, City Manager

Fr: Richard V. Scali, Executive Officer

Via: Alex Rodriguez, Chairman

Re: Underage Drinking Task Force-Final Report

Enclosed please find the vote of the Commissioners on the final report on the Underage Drinking Task Force recommendations. The Councilors had expressed a wish to see the final results as per my letter to you dated February 16, 1994.

Included in the final report are some recommendations that would require City Council action that should then be passed on to the state legislature:

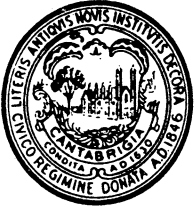
Recommendation #2- The group has asked that the city support legislative changes for allowance of alternative ID's. Currently proposed by the Alcohol Beverage Control Commission, to the legislature, is that passports be adopted as an alternative form of ID, primarily due to the fact that persons from out of state are unable to purchase alcohol, particularly at hotels. The group and the Commission supports this change and hopes that the Council will as well. Other alternatives are suggested by the group, which will be recognized in Cambridge as what a "reasonable person" may rely on for ID but is not law. However the ABCC is suggesting that the passport idea is most reliable.

Recommendation #4- Pending legislation with regard to penalties for the underage drinker or purchaser violator is currently at the statehouse. This legislation would give the police an alternative to charging a violator with a criminal offense. If passed, the police would be able to charge the violator with a misdemeanor. The group and the Commission support this legislative change and would want the Council to support it as well.

If you wish to speak on this report or need further information, please let me know.

cc: Alex Rodriguez, Chairman
Kevin Fitzgerald, Fire Chief
Henry Breen, Police Captain
Margo Deane, Substance Abuse Task Force

RECEIVED
MARCH 21 AM 9:55
OFFICE OF THE CITY MANAGER



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Commission Chairman


KEVIN FITZGERALD
Chief-of-Fire Department
Commission Member

HENRY BREEN
Police Representative
Commission Member

RICHARD V. SCALI
Commission Executive Officer

Date: March 16, 1994

To: Margo Deane, Substance Abuse Task Force

Fr: Richard V. Scali, Executive Officer 

Re: Final Report of Underage Drinking Task Force

Please be advised that the License Commission has voted on March 3, 1994 by a vote of 3-0 to approve the following recommendations that the Task Force has suggested with a few minor adjustments:

- 1) Advisory Board- Approved and will be recognized by this Commission with the understanding that the current group contact the other interested licensees and invite them to join the group. A list of licensees can be provided.
- 2) Cambridge ID Policy- Supported by the Commission. A letter from the group should go out to the ABCC with this Commission's support encouraging consideration. This Commission will also send this information to the City Manager to be passed on to the City Council for support in legislative changes in the allowance of alternative ID's. The Commission also supports the common signage idea and suggests that the sign be made as simple as possible so that the general public and read it quickly and effectively.
- 3) Mass. Liquor ID- The Registry of Motor Vehicles has reinstated the Mass. Liquor ID.
- 4) Penalties Against Persons Under 21- The Commission supports this proposal and has sent a letter to Commissioner Anderson encouraging him to advise the police force to enforce the laws which could be used as penalties against persons under 21 in liquor violations. If the Task Force would like to meet with the Commissioner of Police, the License Commission would suggest Ms. Deane contact the Commissioner for convenient times.

The Commission also supports the pending legislative changes on de-criminalizing alternatives for persons under 21 who violate the liquor laws and will send this information to the City Manager for action by the City Council.

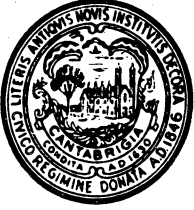
5) Campaign on carrying ID- Supported by the License Commission and suggests the Board come up with a strategy to contact businesses.

6) Expunging of Records- The Commission supports this idea generally but feels that expunging all records after 3 years may be injurious to the public at large particularly in the case of felonies committed. Therefore, the Commission has voted 3-0 to allow the expunging of past records after 3 years with regard to underage drinking violations only. This does not mean that the violations will be taken out of the files but that the violation will not be used in consideration of penalties of any future offense.

7) Developing Programs- The Commission supports the alcohol awareness program, server training programs, and continuing research on server licensing.

Once again, the Commission thanks you for all your work on this project and hopes that the above support and ideas can come to fruition in the near future.

cc: Robert W. Healy, City Manager
Alex Rodriguez, Chairman
Kevin Fitzgerald, Fire Chief
Henry Breen, Police Captain



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

May 16, 1994

To The Honorable, The City Council:

In response to Awaiting Report Item No. 15, regarding the Underage Drinking Task Force Final Report, please find attached recommendations from the Task Force that request City Council endorsement.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Consent Aenda # 3 S-224

Awaiting Report Item Number 15 regarding
recommendations on the Underage Drinking
Task Force Final Report.

for original order see
1994 City Managers
Request # 92

In City Council,

May 16, 1994

Report accepted -
Placed on file
Order adopted -
Hearing to be scheduled
on report by
mayor.