

# January 9, 2024 Board Meeting

Virginia ABC Board of Directors



# January Board Meeting Agenda

- 9:00AM Call to Order
- Approval of Minutes
  - Approve minutes from November 13, 2023
- New Business
  - Financial Report (*David Alfano*)
  - Real Estate Committee Recommendations (*Tom Kirby*)
- 10AM Hearing
  - El Tropi 2, LLC
- Closed Session
- Comments from the Board
- Public Comments
- Adjournment

# Minutes: November 13, 2023

## Required Action

Approval of Minutes from November 13, 2023 meeting

## BOARD MEETING MINUTES: November 13, 2023 ABC Headquarters

### Call Meeting to Order at 9:02 a.m.

### Attendees

Board Chair Tim Hugo  
 Board Member William Euille  
 Board Member Mark Rubin  
 Board Member Bob Sledd  
 Interim Chief Executive Officer and Chief Law Enforcement Officer, Tom Kirby  
 Chief Government Affairs Officer John Daniel  
 Chief Retail Operations Officer Mark Dunham  
 Chief Administrative Officer David Alfano  
 Chief Information Officer Paul Williams  
 Chief Digital Branding Officer Vida Williams  
 Deputy Secretary Chris Curtis  
 Office of the Attorney General Jim Flaherty  
 Director of Finance Doug Robinson  
 Director of Real Estate Susan Johnson  
 Project Support Specialist Linda Phelps  
 Senior Paralegal Helen Gordon  
 Director of Community Health and Engagement Katie Crumble

### Absent

Board Member Gregory Holland, Executive Assistant Kathleen LaMotte and Director of Research and Planning Mike Berman.

### Welcome

Board Chair Hugo opened by welcoming the New Interim Chief Executive Officer, Tom Kirby and thanking him for stepping up. The Chair also reiterated his thanks for the service given by Travis Hill to the Authority as CEO.

Interim CEO Tom Kirby thanked the ABC staff and Board for the opportunity and chance to serve.

### Approval of Minutes

Board Chair Hugo asked if there were any questions or comments regarding the minutes from the last Board meeting of September 15, 2023. No questions or comments were raised. The Chair made a motion to approve the minutes. The motion was seconded by Vice-Chair Sledd. Roll call was taken by the Chair. Board Member Holland was the only one not in attendance today. The motion was carried, and the minutes were unanimously approved.

### New Business

Commending resolution (Tom Kirby)

Interim CEO Tom Kirby presented a Commending Resolution for outgoing CEO Travis Hill for all to sign. The Chair asked if there were any comments. There being none, the Chair commended Mr. Hill for his years of service to the Commonwealth. Board Member Euille made a motion to sign the Commending Resolution. The motion was seconded by Board Member Rubin. Roll call was taken and all approved.

## Revised Regulations

Tom Kirby stated that the original agenda for this meeting did have approval of the revised regulations but after much discussion and questions that had been raised, the decision had been made to possibly consider this approval before the January 3rd deadline, so this topic had been removed from today's agenda. Mr. Kirby went on to say that there are multiple steps to the regulatory approval process, and we do have some time before the regulations need to be uploaded to Town Hall.

Mr. Rubin noted that the Board had been given copies of these regulations at the last Board meeting, and that the public comment period is over on Town Hall. After hearing complaints about the process for approving regulations for 25+ years, why should we now delay this process further for another month or month and a half at least, noting that he had not heard any complaints. Mr. Rubin went on to say that he felt like we needed to get this ball moving and that he may make a motion to move forward after reviewing the concerns that other members have received.

The Board Chair agreed that public notice had been published but that the Administration seemed to be unaware of what we were doing, and they wanted time to look over the changes. The Chair went on to say that Senators and Delegates have called him directly about wanting to review these regulations before anything is passed; senior members of the House and Senate as well as the Black caucus are calling with questions. The Chair suggested a virtual meeting in December.

Mr. Kirby stated that a public announcement was made on Wednesday about the removal of the vote on regulatory changes and an amended agenda was sent out on Thursday. However, due to some internal personnel issues, the binders were updated on an emergency basis this morning. Mr. Kirby apologized if Mr. Rubin's agenda had not been updated but noted that some speakers were not in attendance today because they had been notified that the regulatory changes were not being discussed today. Mr. Kirby apologized further saying that he would make sure to let all of the Board know ahead of time if an item had to be removed from the meeting agenda.

Mr. Rubin reiterated that there is a process, there are opportunities for everyone to comment on these changes. The Authority process contains numerous opportunities for everyone to comment on the regulations. These last-minute questions mean that there is no process. Member Rubin noted for the record that there is a process that is already really long, and we need to abide by the process. In addition, changes to the Board agenda need to be discussed with the entire Board before they are implemented.

The Board Chair thanked Mr. Rubin for his comments.

## Annual Reports (Tom Kirby)

### *ABC Annual Report*

Acting CEO Kirby stated that the annual report was mailed to the Board members as well as provided in digital format. Mr. Kirby noted that there are teams still going over this document for grammatical errors and any necessary tweaks, but the theme of the report will not change. As such, he is currently seeking approval of the annual report from the Board.

The Board Chair asked if there were any questions from the Board. There being none, Mr. Sledd made a motion to approve the annual report. Mr. Euille seconded. The Chair took roll call. All approved the annual report.

### *Virginia Higher Education Substance Use Advisory Committee Annual Report (VHESUAC)*

Acting CEO Kirby asked Katie Crumble to come forward to present the VHESUAC report. Ms. Crumble stated that in 2021, the Governor's Office for Substance Abuse was given to ABC and was renamed, Virginia's Office for Substance Abuse Prevention.

VHESUAC is a two-tier statewide collaborative group that focuses on substance use prevention, education, treatment, and recovery. One of the reports this group develops is an annual report on youth substance abuse. Another one is overseen by VOSAP; which accumulates information from all higher education locations to keep track of substance abuse in these areas. Ms. Crumble noted that as such, large sections of these reports are prepared by other committees.

Mr. Euille asked how these reports were distributed.

Ms. Crumble said they are submitted to Legislative Services by December 1 of each year, and they are also added to our website. Only those organizations linked to us are on the list to receive a copy of these reports as well as other organizations tapped into us.

Mr. Sledd asked how Ms. Crumble felt this task was going. What did she think was working and not working?

Ms. Crumble stated that the youth prevention program has been in effect longer and has become more of a strategic endeavor, i.e., creating more of a strategic plan for the state. The higher education program is in its infancy. Some universities have been extensively involved in the program, while others are not as completely involved. The group is hoping to recognize those colleges that are submitting information to them as a carrot to others to submit their information. The group has created a grid with strategies that colleges can use based on their size and demographics; the strategies are ideas that have been proven through research as workable. Some colleges are really doing great things and Virginia schools, on the whole, are very good at addressing these issues.

Mr. Sledd asked what we are able to do with youth in high school.

Ms. Crumble stated that, for that age group, we are able to use the Virginia Youth Risk Behavior survey to track things like bullying, obesity, child abuse, etc.

Vida Williams asked Ms. Crumble to discuss Youth Alcohol and Drug Abuse Prevention (YADAPP).

Ms. Crumble said that her group works with the leadership of the schools through YADAPP to help prevent substance abuse.

Mr. Sledd asked if we are able to track statistics by school.

Ms. Crumble said we are not able to track by schools but track by the surveys.

Chair Hugo asked how many participate in YADAPP.

Ms. Crumble said prior to Covid, there were normally seventy-five schools participating. Since everything had to close down for Covid and we are now just starting back up, we only had thirty schools participate this past year.

Chair Hugo asked if there were a certain number of participants allowed per school.

Ms. Crumble said there was no particular number set per school; just those who were interested applied.

Mr. Rubin thanked Ms. Crumble for the important job she does.

Chair Hugo asked what was being done about opioids as he did not feel youth really understood the effect of them.

Ms. Crumble agreed that youth feel invincible at this age. She stated that they know that when parents provide barriers and have protective factors in place, it helps tremendously. So, her group is trying to build a community around the parents and children to help with teaching them not to use these substances.

Chair Hugo asked how that was going.

Ms. Crumble said that honestly there always seems to be a new thing, i.e., alcohol, then marijuana, etc., so they have to keep watching for what will be next.

Chair Hugo stated that losing 80-100,000 youth per year is something that has to stop.

Ms. Crumble noted that she could accept changes and edits to this report for the next week but will need to post it by December 1.

Chair Hugo thanked Ms. Crumble for her report and work.

Mr. Rubin made a motion to approve this report. Mr. Sledd seconded the motion. There being no further discussion, roll call was taken by the Chair. All approved of the report as written.

The Chair added to please thank all of Ms. Crumble's staff for working to prevent more deaths of youth.

*Virginia's Office for Substance Abuse Prevention Annual Report (VOSAP)*

Interim CEO Kirby noted that this report is the same as the previous one, just compiled of data from higher education institutes.

Mr. Euille made a motion to approve this report as written. Mr. Rubin seconded the motion. Roll call was called by the Chair. All approved of the report as written.

Real Estate

Interim CEO Kirby stated that this report begins on page 34 of the Board's notebooks. There are four store renewals for this period: stores 74, 286, 330 and 363. There was also one store conversion to discuss. As the Board is aware, the Board voted previously to convert Store 361 from a self-service store to a counter store. Local police have now requested that Store 110 also be made into a counter store. We do have some concerns that this could potentially drive down revenue, but we are seeing an increase in retail theft in our self-serve stores in the Portsmouth area as well as in other areas. What we propose to do is to convert this store, as we did Store 361 as they are close to each other and use them as test stores to determine the extent, if any, that counter stores have on revenue. Mr. Kirby then stated that he would turn over this discussion to Susan Johnson and her real estate team to aid with anything else the Board may need. Mr. Kirby went on to say that the estimates for converting these stores were high, but that Ms. Johnson and the real estate team have been able to get those costs down a bit.

Mr. Sledd asked Mr. Kirby if he would walk the Board through their analysis of this situation and what the timeline is to see what the test results are.

Mr. Kirby replied that Store 361 has been closed for a year. As a result, we saw that a lot of sales moved to the three closest stores. We are trying to track those sales that may be totally lost; for example, customers that go to a grocery store instead to purchase some other type of alcohol other than spirits. We have no way to track whether or not sales went to the other three stores or if the new casino in that area accounted for the increased sales. There is a significant amount of foot traffic around Store 361 so a closure here means most may go to the grocery store because they do not have the ability to drive to another store. I do not, however, want this to be a knee jerk reaction and to set up counter stores in all stores that have retail theft increases.

Mr. Hugo asked if Enforcement and Retail had looked into the specific product being stolen. Mr. Kirby said that the type of product stolen is being considered as well.

Mr. Rubin added that he knew that a considerable amount of time was spent talking to businesses and legislators about Store 361.

Mr. Kirby added that he knew local law enforcement had also been spoken to.

John Daniel stated that we had not yet had the same in-depth conversations with legislators about Store 110 as we had for 361.

Mr. Hugo stated that he believed the first store had been a safety concern; a shooting. Mr. Kirby replied that that was correct. Mr. Hugo asked if there was also a safety concern with this new store. Mr. Kirby said there was not a safety concern in this particular case but that the impetus to try this test arrangement came from the fact that this store is close to Store 361 and because the local law enforcement wants this to occur. Mr. Kirby added that he believes we need to try this approach but made it clear that counter stores are not necessarily ideal resolution every time and it could, in fact, push theft to other stores.

Ms. Johnson stated the glass should come in in December for Store 110 but suspects they will not be able to have Store 361 up and running until after December.

Mr. Kirby said that we unfortunately do not have a lot of customer data that we can look at.

Mr. Hugo said that safety is a definite priority, but the big test will be the second store. Mr. Euille made a motion to approve the report and the test opening of Store 110 as a counter store. Mr. Sledd seconded the motion. No further discussion was heard. The Chair called roll, and all approved the motion.

## Closed Session

Chair Hugo made a motion to move into closed session. Member Rubin seconded this motion. The Chair called roll, and all approved the motion. The Board entered closed session at 9:48 a.m. to discuss a personnel issue pursuant to Virginia Code §A 2.2 37.11(A)(1). Attending the closed session were Chair Hugo, Vice Chair Sledd, Member Rubin, Member Euille, Office of the Attorney General Jim Flaherty, Chief Government Affairs Officer John Daniel, Interim CEO Tom Kirby and Deputy Secretary Chris Curtis.

## Appeal Hearing

### Sweetwater Tavern

At 11:06 a.m., Chair Hugo moved to certify that to the best of his knowledge nothing was discussed in the closed session except what was covered in the motion to go into closed session, and that only public business matters lawfully exempted from open meeting requirements were discussed. Mr. Rubin made a motion to substantiate the objection of Sweetwater Tavern in the previous appeal hearing. Mr. Euille seconded the motion. With no further discussion, the Chair called roll. The motion unanimously passed.

## Financial Report (Dave Alfano)

Mr. Alfano handed out an additional financial reporting sheet for the month of October. The sheet notes that revenue is \$1.6 million dollars below budget as of now (see fiscal year report for October 2024). There was, however, 1.5% growth in October. There are also some concerted efforts being spearheaded for greater revenue performance.

CEO Kirby stated that larger revenue meetings are occurring with various employees and second small group meetings are occurring with the Governor's CTO office and ABC to discuss analytics from stores. We had a large one-day drop a few Saturdays ago and there are various discount drops occurring.

Mr. Rubin asked what the CTO's role is in these discussions because there have been discussions in the past but without the CTO.

CEO Kirby stated that these meetings are with himself, retail, marketing, analytics, Deputy Secretary and the CTO or deputy CTO and an analyst. One of the big benefits from having the CTO group in the mix is that they are able to assist in the analytics portion. ABC provided the CTO with sales data from 399 ABC stores, and they analyzed the data, looking at it from the lens of red, yellow, and green. Green stores are good, i.e., meeting, or exceeding revenue goals.



Mr. Rubin asked if the CTO had analytical tools that we do not have.

CEO Kirby said it is not so much that the CTO has tools we do not have but more that there was a need for some speed because revenue was falling behind. We needed a team to standardize how we look at the data. The majority of the effort is done by ABC, but the CTO helps with the analysis of the data.

Mr. Rubin said he was glad that ABC has the benefit of the CTO's help, but that the Board needs to be kept abreast of what is going on.

CEO Kirby said he would be more than happy to share the data with the Board.

Mr. Sledd asked about the number of bottles sold on page 62.

Mr. Alfano agreed that we are seeing that people are trading down. However, the number of bottles sold is increasing. Two of the big drivers for this when you see increasing bottle sales but decreasing profits, are smaller bottle sizes and de-premiumization.

Mark Dunham added that a lot of people are starting to come down in premiumization. The industry is changing. Even the top tequila manufacturers have lowered their prices.

Chair Hugo added that this is a national trend per National Alcohol Beverage Control Association (NABCA).

Mr. Alfano stated that our target still has not changed; 5.2% growth, despite seeing a change in the industry overall. We still have to produce ways to increase our sales.

Mr. Dunham added that wallets are tight right now, but the flash sales do help with keeping customers coming back into the store.

Mr. Alfano stated that they estimate the change in sales is about 2% due to inflationary reasons.

CEO Kirby added that as we see the revenue decreasing, we are looking at ways to decrease costs. Reviewing significant expenditures, reviewing positions as to whether a position needs to be filled or not. Responsible retailing and selling and regulations are the three most important prerogatives of our business.

Mr. Alfano also indicated that we were over allocated in the store employee hours in July and August. We have seen improvement in this area in the month of October. There was a \$600,000 favorability currently reflected in the budget (making up for the overallocation of store wage hours in July and August.) We do need to balance to make sure we have enough folks in the stores. We are not cutting store hours, but rather the number of personnel in the stores.

Chair Hugo asked if there were any ideas on increasing sales.

CEO Kirby stated that we are looking at ways to not just look at the timing of sales but also at ways to generate new sales. One of those comes from a seed that Mr. Dunham planted with suppliers. We have an opportunity to get mini bottles of Buffalo Trace and Buffalo Trace Cream Liquor. We were not planning to get these, but we will be the only retailer, outside of airports, to have these to sell. Buffalo Trace will even provide containers for us to sell their product from. The Authority is also opening our 400<sup>th</sup> ABC store in Jonesville on November 17. We are having a particular bottle of bourbon labelled for the 400<sup>th</sup> store. We do have to pay for the barrel of bourbon, but we are also selling that bourbon in this one store. We will watch our expenses even during the celebration.

Chair Hugo congratulated CEO Kirby on reaching out to NABCA.

CEO Kirby said that we are evaluating to determine what the balance is between displaying products and protecting products. Some think we are not doing enough to protect alcohol. For example, there is a store in the Fan area that represented 50% of the theft in that area. However, we are concerned that if we were to put a security guard in that store for \$30,000, we would pay more for security than we are losing in theft (\$9,000). We do not want to make this store a counter store because that may not be the answer here. We are getting plexiglass

boxes with tickets on the outside for the product and we have products in cases where they are visible. The product needs to be seen to be purchased. It is a balancing act. Theft is significant at the retail level in all stores.

Mr. Sledd noted that the mini bottles seem to be sitting out in many stores.

Mr. Dunham replied that stores are given a planogram to determine where products go. Minis are to be close to the registers and in clear view of the managers. Jen Burke inserted that minis are not a large part of retail theft but that currently, tequila is driving our loss.

Chair Hugo stated that he is a big believer in teleworking and is happy to see that it appears we have embraced teleworking in this building. However, there does seem to be a lot of empty space. Maybe we could consolidate and rent some space to other government agencies? Or maybe we have some latitude as a partially non-government agency?

CEO Kirby shared that he and Mr. Alfano have a meeting scheduled with General Services to see if we have some space we could rent out to other state agencies.

Chair Hugo asked that everything be run by the Board first.

Mr. Kirby stated he would definitely run everything by the Board and went on to say that his team is looking on the second floor mostly for rental space. Some employees have already been moved with this in mind.

Chair Hugo stated that Enforcement appears to have 25-30 vehicles parked out back, is that correct?

CEO Kirby explained that the vehicles the Chair was talking about are the vehicles that belong to BLE. BLE always has a plan on how to replace vehicles. We use the state police to outfit our cars. We drive cars longer than allowed by other police agencies. We had a hotline complaint about our cars and an investigation by Internal Audit determined that we actually have too few cars. Probably over a dozen vehicles currently have over 100,000 miles on them. Right now, you cannot just go out to the lot to buy cars because there are shortages. We consulted the CTO's office about this and they consider this topic closed. They are satisfied with our way of ordering cars. Other agencies have reported shortages of vehicles. There will be no delivery of vehicles in 2023 and the vehicles ordered this year will not be here until next calendar year. We are watching and keeping a close eye on this. The state police are also storing cars for this same reason.

Chair Hugo asked that CEO Kirby send the Board the information on the cars that Internal Audit conducted.

Mr. Alfano stated that ABC shares the financials with the CTO, but we all understand that if we continue to be short in revenue, we cannot spend up to our budget amounts. We are working to change processes internally, i.e., looking at open positions, back-fill positions, contractors, vehicle inventory and assignments and the like.

CEO Kirby noted that several of the department chiefs are here in the room and their reports are in the binders but perhaps the Board would like to see if the chiefs have anything to say to the Board. With no further discussion being heard, the Chair moved on to Comments from the Board.

Before moving on to the Real Estate Committee Recommendations, Chair Hugo wished to thank those who placed the flags out for Veterans Day. Mr. Kirby stated that it was the Veterans Employee Group and many employees from within the Authority put the flags out.

## **Comments from the Board**

There were no comments from the Board to entertain so the Chair moved on to ask for any Public Comments.

## **Public Comments**

Angie Beasley with the Virginia Spirits Association thanked the Board for allowing her group to be a part of this discussion and for being allowed to work with us to increase sales. Mr. Sledd stated that he knows we are having a

challenging year. The Board appreciates all of our efforts to make this happen in a positive fashion. Any successful team will hit roadblocks. "I appreciate that you're looking at ways to increase sales and have a better future for this organization."

Chair Hugo asked if there was any need or desire for an additional closed session.

Mr. Euille asked if the next regular Board meeting date could be confirmed.

Chris Curtis said the next Board meeting is scheduled for **January 9 at 9:00 a.m.**

Chair Hugo confirmed that there will be three Board members present on Friday, November 17<sup>th</sup> to hear the appeal hearings.

### **Meeting Adjournment at 11:45 a.m.**

### **Upcoming Dates:**

January 9, 2024, at 9:00 a.m.

# Hearing

El Tropi 2, LLC



December 7, 2023

**NOTICE OF APPEAL BEFORE THE BOARD**

IN THE MATTER OF:      EL TROPI 2 LLC  
**EL TROPI 2 LLC**  
 4900 JEFFERSON DAVIS HIGHWAY  
 NORTH CHESTERFIELD, VA 23234  
**SENT VIA CERTIFIED MAIL**

MAILING ADDRESS:      EL TROPI 2 LLC  
**EL TROPI 2 LLC**  
 2509 DALE AVENUE  
 RICHMOND, VA 23234  
**SENT VIA CERTIFIED MAIL**

SENT VIA ELECTRONIC MAIL:  
[eltropicabana2@gmail.com](mailto:eltropicabana2@gmail.com)

LICENSE NO.:            **754563 - WINE AND BEER ON AND OFF PREMISES**  
**754563 - MIXED BEVERAGE RESTAURANT**

ADMINISTRATIVE        **013350267**  
 CASE NO.:

The Administrative Law Judge who conducted the hearing upon the above licensee/applicant has decided that **the privileges of purchasing and selling alcoholic beverages, to include mixed beverages should be revoked.**

After reviewing the Administrative Law Judge's decision, the Board proposes to adopt the decision as rendered.

The **rescheduled** appeal hearing will be held **in-person** at the Virginia ABC Central Office, located at 7450 Freight Way, Mechanicsville, Virginia 23116, on **January 9, 2024, at 10:00 a.m.** Please note that several matters may be scheduled at this docket. You are required to appear at your scheduled **January 9th** hearing and your matter will be heard in the order it was scheduled.

The grounds for the above-mentioned proposed action which will be considered at the hearing are as follows:

**Incident No.: 013350267**

1. **On 02/12/2023 at approximately 10 AM, the licensee kept at the place described in the license alcoholic beverages not bearing mixed beverage stamps, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-325 A4 of the Code of Virginia and 3 VAC 5-50-60 B.1.**
2. **The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Section 4.1-100 of the Code of Virginia, in violation of Sections 4.1-206.3 B.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A. and 3 VAC 5-50-110 B.**
3. **The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Sections 4.1-100, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A., 3 VAC 5-50-110 C., and 3 VAC 5-50-110 D.**
4. **(DISMISSED at Initial Hearing)**
5. **During the preceding license year (March 2021 through February 2022), based on the gross receipts from the sale of food and nonalcoholic beverages and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-114, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia.**

At the appeal hearing, new evidence only will be accepted if it was unavailable for the initial hearing, has the potential to alter the result, is proffered five business days before the appeal hearing, and is unanimously accepted by members of the appeal panel. The Board reserves the right to impose any penalty authorized by law after reviewing any evidence or argument presented at the appeal hearing.

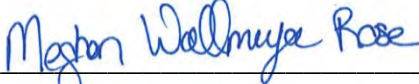
**NOTE:** Requirements for Continuances (The following continuance policy will be strictly enforced for appeal hearings):

- Continuances will be granted only upon showing (i.e., proving) good cause.
- You must make all continuance requests as soon as you learn a conflict exists and no later than seven (7) full calendar days prior to the formal hearing.
- Continuance requests must be supported by verifiable, extenuating and unforeseeable circumstances.
- Delays in hiring an attorney rarely will justify a continuance.

- Requests for continuances by email shall be sent to the following email addresses: [Hearing@VirginiaABC.com](mailto:Hearing@VirginiaABC.com) and [John.Daniel@VirginiaABC.com](mailto:John.Daniel@VirginiaABC.com).
- Requests for continuances by fax should be sent to the Government Affairs Officer and the Chief Clerk at (804) 213-4731.
- Should faxed requests arrive at any other fax number, they will not be considered received in HAJIS until received by the Government Affairs Officer and the Chief Clerk. For example, a document received at a fax number other than (804) 213-4731 on July 27th, but not delivered to HAJIS until July 31st, would be treated as arriving in HAJIS on July 31st.

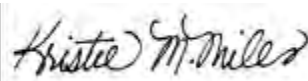
Very truly yours,

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

BY   
 Meghan Wallmeyer Rose,  
 Assistant Director & Chief Clerk

**CERTIFICATE OF SERVICE**

I certify that on December 7, 2023, I mailed by certified mail a true and correct copy of the foregoing Notice of Appeal Before the Board to the licensee at 4900 Jefferson Davis Highway, North Chesterfield, VA 23234; by certified mail to 2509 Dale Avenue, Richmond, VA 23234; and by e-mail to [eltropicabana2@gmail.com](mailto:eltropicabana2@gmail.com).



Kristie Miles  
 Senior Paralegal

License/Applicant	Attorney's	Appellant	Complaints/Charges	Trans. No. of Pgs.	Charges/Objections Heard by Administrative Law Judge	Contacts/ Objectors	Date & Time
<p style="text-align: center;"><b>1.</b></p> <p>EL TROPI 2 LLC  <b>EL TROPI 2 LLC</b>            4900 JEFFERSON DAVIS HWY            N. CHESTERFIELD, VA 23234</p> <p>Mailing:            2509 DALE AVENUE            RICHMOND, VA 23234</p> <p>License:  <b>754563 - WINE AND BEER ON AND OFF PREMISES</b>  <b>754563 - MIXED BEVERAGE RESTAURANT</b></p> <p><b>Administrative Case No.:</b>  <b>013350267</b></p>	<p><b>LaTonya Hucks-Watkins, Esq.</b>            Sr. Legal Counsel            Counsel for BLE</p>	<p>Licensee</p>	<p>1. On 02/12/2023 at approximately 10 AM, the licensee kept at the place described in the license alcoholic beverages not bearing mixed beverage stamps, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-325 A4 of the Code of Virginia and 3 VAC 5-50-60 B.1.</p> <p>2. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Section 4.1-100 of the Code of Virginia, in violation of Sections 4.1-206.3 B.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A. and 3 VAC 5-50-110 B.</p> <p>3. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Sections 4.1-100, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A., 3 VAC 5-50-110 C., and 3 VAC 5-50-110 D.</p> <p><b>4. DISMISSED</b></p> <p>5. During the preceding license year (March 2021 through February 2022), based on the gross receipts from the sale of food and nonalcoholic</p>	<p style="text-align: center;"><b>76</b></p>	<p>1. On 02/12/2023 at approximately 10 AM, the licensee kept at the place described in the license alcoholic beverages not bearing mixed beverage stamps, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-325 A4 of the Code of Virginia and 3 VAC 5-50-60 B.1.</p> <p>2. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Section 4.1-100 of the Code of Virginia, in violation of Sections 4.1-206.3 B.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A. and 3 VAC 5-50-110 B.</p> <p>3. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Sections 4.1-100, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A., 3 VAC 5-50-110 C., and 3 VAC 5-50-110 D.</p> <p>4. On 12/15/2022 at approximately 1:30PM the licensee purchased wine or beer for resale from a person other than a wine or beer wholesaler licensed in this Commonwealth, in</p>	<p>P. Connors            R. Blaney            K. Smith            A. Spinner</p>	<p><b>Jan. 9, 2024</b>  <b>10:00 a.m.</b></p>



			<p>beverages and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-114, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia.</p>		<p>violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-326 of the Code of Virginia.</p> <p>5. During the preceding license year (March 2021 through February 2022), based on the gross receipts from the sale of food and nonalcoholic beverages and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-114, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia.</p>		
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New Business: Approval of Board Orders for Board Minutes for September 2023, October 2023, and November 2023  
 Approval of Board Orders for Board Archives for September 2023, October 2023, and November 2023

c: Mr. Hugo                      Mr. Euille                      Chief Kirby                      Ms. LaMotte                      Communications  
 Mr. Sledd                      Mr. Rubin                      Mr. Daniel                      Ms. Intagliato                      Security  
 Mr. Holland                      Mr. Flaherty                      Office of Legal Counsel

CONTACT INFORMATION: Kristie Miles, Senior Paralegal; Kristie.Miles@VirginiaABC.com; Phone 804-213-4441; Fax 804-213-4731

# New Business

Board Information: Financial Report (Alfano)

Board Information: Real Estate Recommendations (Kirby)

# Financial Report (Chief Alfano)

# November 2023 Financial Performance

Virginia ABC



**VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY**  
**Contribution Margin - Income Statement (In Millions)**  
**Fiscal Year 2024 - Month of November**

			21								
	FY 2024		FY 2024		FY 2024	FY 2024		FY 2023			
	Actual		Budget		Variance	Percentage		Actual		Variance	Percentage
<b>Revenue Sources:</b>											
Alcoholic Beverages (Store Sales)	\$ 125.4		\$ 130.8		\$ (5.4)	-4.1%	●	\$ 123.5		\$ 1.9	1.5%
Online Sales	0.8		0.9		(0.1)	-6.7%	●	0.9		(0.1)	-6.7%
Other	2.1		1.8		0.3	14.1%	●	1.2		0.9	68.1%
<b>Gross Revenue</b>	<b>128.3</b>		<b>133.5</b>		<b>(5.2)</b>	<b>-3.9%</b>	●	<b>125.6</b>		<b>2.7</b>	<b>2.1%</b>
Less: Spirits Excise Tax	20.9		21.8		0.9	4.1%	●	20.6		(0.3)	-1.5%
<b>Net Revenue</b>	<b>107.4</b>		<b>111.7</b>		<b>(4.3)</b>	<b>-3.8%</b>	●	<b>105.0</b>		<b>2.4</b>	<b>2.3%</b>
<b>Variable Operating Costs:</b>											
Cost of Goods Sold	60.3	<b>47.8%</b>	63.2	<b>48.0%</b>	2.9	4.6%	●	59.7	<b>48.0%</b>	(0.6)	-1.1%
Variable Administrative Costs	17.0		18.1		1.1	6.1%	●	18.0		1.0	5.6%
<b>Total Variable Costs</b>	<b>77.3</b>		<b>81.3</b>		<b>4.0</b>	<b>4.9%</b>	●	<b>77.7</b>		<b>0.4</b>	<b>0.5%</b>
<b>Contribution Margin</b>	<b>30.1</b>		<b>30.4</b>		<b>(0.3)</b>	<b>-1.0%</b>	●	<b>27.3</b>		<b>2.8</b>	<b>10.2%</b>
Contribution Margin as a % of Store Sales	<b>23.9%</b>		<b>23.1%</b>					<b>22.0%</b>			
<b>Fixed Operating Costs:</b>											
Fixed Administrative Costs	6.3		7.1		0.8	11.3%	●	7.5		1.2	16.0%
Regulatory Costs (Enforcement & Hearings)	2.1		2.2		0.1	4.5%	●	1.9		(0.2)	-10.5%
<b>Total Fixed Costs</b>	<b>8.4</b>		<b>9.3</b>		<b>0.9</b>	<b>9.7%</b>	●	<b>9.4</b>		<b>1.0</b>	<b>10.6%</b>
<b>ABC Net Profit</b>	<b>\$ 21.7</b>		<b>\$ 21.1</b>		<b>\$ 0.6</b>	<b>2.8%</b>	●	<b>\$ 17.9</b>		<b>\$ 3.8</b>	<b>21.2%</b>
Net Profit as a % of Store Sales	<b>17.2%</b>		<b>16.1%</b>					<b>14.4%</b>			
Net Profit as a % of Net Sales	<b>20.2%</b>		<b>18.9%</b>					<b>17.1%</b>			

● Favorable Variance  
● Unfavorable Variance

NM = Not Meaningful



## November Actual Variance Analysis vs Budget

### November (month):

- **Net Revenues** are \$4.3M or 3.8% below budget mainly due lower store sales of \$4.6M , partially offset by higher than planned licensee and penalty fee revenue of \$0.3M.
- **Cost of Goods Sold** favorability of \$2.9M due principally to the impact of lower sales.
- **Variable Administrative Costs** are \$1.1M lower than budget due to the following:
  - \$0.8M Favorable wage/benefit costs due to primarily to efforts to adjust store labor hours to the appropriate operating levels
  - \$0.3M Favorable retail salaries and benefits due to unfilled positions
- **Fixed Administrative and Regulatory Costs** are \$0.9M favorable to budget mainly due to the following:
  - \$0.3M Favorable agency service charges following a 4-month catchup adjustment made in October, the full year will still be unfavorable
  - \$0.3M Favorable computer software development costs in line with lower IT project activity
  - \$0.3M Favorable computer software rentals given tight budget constraints
- **November Net Profits** of \$21.7M are \$0.6M or 2.8% favorable to budget.

**VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY**

**Contribution Margin - Income Statement (In Millions)**

23

**Fiscal Year 2024 - YTD as of 11/30/2023**

	FY 2024		FY 2024		FY 2024		FY 2024		FY 2023	
	Actual	Budget	Variance	Percentage	Actual	Variance	Percentage	Actual	Variance	Percentage
<b>Revenue Sources:</b>										
Alcoholic Beverages (Store Sales)	\$ 598.1	\$ 616.7	\$ (18.6)	-3.0%	●	\$ 589.5	\$ 8.6	1.5%		
Online Sales	3.7	3.8	(0.1)	-2.6%	●	3.7	-	0.0%		
Other	10.4	8.9	1.5	16.9%	●	9.1	1.3	14.7%		
<b>Gross Revenue</b>	612.2	629.4	(17.2)	-2.7%	●	602.3	9.9	1.7%		
Less: Spirits Excise Tax	99.5	102.8	3.3	3.2%	●	98.1	(1.4)	-1.4%		
<b>Net Revenue</b>	512.7	526.6	(13.9)	-2.6%	●	504.2	8.5	1.7%		
<b>Variable Operating Costs:</b>										
Cost of Goods Sold	289.2	297.8	8.6	2.9%	●	285.3	(3.9)	-1.4%		
Variable Administrative Costs	88.6	87.6	(1.0)	-1.2%	●	86.6	(2.0)	-2.3%		
<b>Total Variable Costs</b>	377.8	385.4	7.6	2.0%	●	371.9	(5.9)	-1.6%		
<b>Contribution Margin</b>	134.9	141.2	(6.3)	-4.5%	●	132.3	2.6	2.0%		
Contribution Margin as a % of Store Sales	22.4%	22.8%				22.3%				
<b>Fixed Operating Costs:</b>										
Fixed Administrative Costs	27.9	32.9	5.0	15.2%	●	32.6	4.7	14.3%		
Regulatory Costs (Enforcement & Hearings)	10.5	10.1	(0.4)	-4.0%	●	9.5	(1.0)	-10.5%		
<b>Total Fixed Costs</b>	38.4	43.0	4.6	10.7%	●	42.1	3.7	8.7%		
<b>ABC Net Profit</b>	\$ 96.5	\$ 98.2	\$ (1.7)	-1.8%	●	\$ 90.2	\$ 6.3	7.0%		
Net Profit as a % of Store Sales	16.0%	15.8%				15.2%				
Net Profit as a % of Net Sales	18.8%	18.7%				17.9%				

● Favorable Variance  
● Unfavorable Variance



# November YTD Actual Variance Analysis vs Budget

## November (YTD):

- **Net Revenues** are \$13.9M or 2.6% below budget mainly due to lower store sales of \$15.4M, partially offset by higher than planned licensee and penalty revenue of \$1.5M.
- **Cost of Goods Sold** favorability of \$8.6M is directly attributable to the lower sales and remains consistent at roughly 48.1% of store and online sales.
- **Variable Administrative Costs** are \$1.0M higher than budget due to the following:
  - (\$1.4M) Unfavorable personal services costs mainly due to an overallocation of store wage hours for July and August. As noted above, November personnel costs were favorable and reflects efforts to make-up for the Q1 variance and get back to budget.
  - \$0.5m Favorable credit card fees in line with unfavorable sales vs budget
- **Fixed Administrative Costs** are \$5.0M or 15.2% favorable to budget mainly due to the following:
  - \$0.9M Favorable leave liability adjustment due to higher PTO usage YTD
  - \$1.4M Favorable computer software development costs in line with lower IT project activity
  - \$0.8M Lower than anticipated network server costs
  - \$0.4M Lower than anticipated computer software purchases
  - \$0.5M Lower store fixture costs for new stores versus budget (related to timing)
  - \$0.4M Lower employee training versus budget (related to timing)
  - \$1.0M Lower personal services related to ABC budgeted funding for bonuses/2% pay increase (related to timing)
  - (\$0.4M) Unfavorable agency services charges for Cardinal, Performance Budgeting and Cardinal HCM systems.
- **Regulatory Costs** of \$10.5M are \$0.4M unfavorable mainly due to lower than anticipated attrition rates.
- **YTD Net Profits** of \$96.5M are \$1.7M or 1.8% unfavorable to budget.





# Real Estate Recommendations (Chief Kirby)



# Real Estate Committee Recommendations

## Overview

November:

N/A New Stores

N/A Relocations

N/A Expansions

12 Renewals

1 Closure

## Action

Approve Real Estate Recommendations



# Real Estate Committee Recommendations

ACTION	COMMENTS
<b>November 2023</b>	
<b>Renewals</b>	
Store #064 (Stafford) Town & Country Market	2666 square feet at \$28.63 per square foot, with 2% annual escalations, for a 5 year term (RE was able to negotiate a 2% escalation rather than 3%)
Store #094 (Ashburn – Loudoun County) Brambleton Town Center	2724 square feet at \$31.70 per square foot, with 2% annual escalations, for a 5 year term (RE was able to negotiate a 2% escalation rather than 3%)
Store #112 (Hampton) Mallory Street Commons	2970 square feet at \$19.48 per square foot, flat, for a 5 year option term; renewal is contingent upon Landlord resolving the ventilation issue concerning the strong smell of marijuana coming from the adjacent tenant space (RE is also asking Landlord to agree to 2% annual escalations rather than a flat 10% increase)
Store #113 (Hot Springs)	2178 square feet at \$13.52 per square foot, with 2.5% annual escalations, for a 5 year term
Store #156 (Cape Charles – Northampton County) Cape Charles Plaza	1800 square feet at \$15.70 per square foot, with 3% annual escalations, for a 5 year term (RE was able to negotiate down from Landlord's proposed 20% increase)
Store #162 (Accomack) Oak Hall Marketplace	2400 square feet at \$16.15 per square foot, with 2% annual escalations, for a 5 year term (RE was able to negotiate a 2% escalation rather than 3%)

# Real Estate Committee Recommendations

ACTION	COMMENTS
November 2023	
Renewals	
Store #230 (Tazewell)	3440 square feet at \$8.12 per square foot, flat, for a 2 year option term
Store #233 (Gloucester) Edgehill Town Center	1755 square feet at \$18.20 per square foot, flat, for a 5 year option term (The Committee decided against exercising the option as the store is too small; REC recommended RE proceed with negotiations for relocation space at Fox Mill Centre, which is a regional center anchored by Wal-Mart; Landlord is proposing 2873 square feet at \$27.50 per square foot; this will be brought back to the Committee once RE has negotiated a reasonable rental rate)
Store #322 (Centreville – Fairfax County) Centrewood Plaza	3138 square feet at \$37 per square foot, with 2% annual escalations, for a 7 year term (RE was able to negotiate a 2% escalation rather than 3%)
Store #339 (Verona – Augusta County) Augusta Plaza Shopping Center	2000 square feet at \$12.60 per square foot, with 2% annual escalations, for a 5 year option term
<p>The highlighted item was approved by the Board on November 17<sup>th</sup>; RE had asked for approval prior to the January 9<sup>th</sup> Board Meeting so that the termination letter could be sent by the end of December.</p>	
Closures	
Store #388 (Tysons Corner – Fairfax County)	The Committee recommended this store be permanently closed, as sales have been steadily declining; in addition, it is very small at 1300 square feet, which makes for scant selection and difficult operations (Current rental rate is \$54 per square foot; potential relocation spaces were at \$70 per square foot)

# Chief Reports

GAO – John Daniel

CLEO – Tom Kirby

CDBO – Vida Williams\*\*

\*\*resigned effective 1/2/2024

CROO – Mark Dunham

CAO-Dave Alfano

CIO – Paul Williams

Interim CEO – Tom Kirby



# GAO Report – John Daniel

Legislative Update

Legal Update

Hearings Summary

FOIA Requests



# OLC Status Report

## JUDICIAL MATTERS

Style of Case	Court	Charges/Violations/ Complaint	Status of Case	Parties/Opposing Counsel Involved	Decision
Falu Patel v. Commonwealth	City of Roanoke Circuit Court	Skill games	Last filing was transfer of matter from Roanoke County to Roanoke City on 1/13/2022; no service listed on court website; <b>no new filing as of 12/19/2023</b>	Stephen Heretick- licensee/Defendants listed as Commonwealth of VA, Mark Herring, and Donald Caldwell (no attorney information showing) (Tonya Hucks-Watkins support counsel)	N/A
4Cyber Café	Richmond Circuit Court (CL23003178-00)	Appeal of Board Order	Licensee filed pro se notice of appeal on July 3, 2023; <b>the Motion to Dismiss hearing was continued to January 19, 2024 at 10:00 a.m., Room 305, a court reporter has been retained through Hearings</b>	Pro Se appellant; Maureen Mshar for ABC	N/A

# OLC Status Report

Cities Bar and Grill	Richmond Circuit Court	Appeal of Board Order	Licensee filed notice of appeal on Nov 27, 2023; 12/19/2023 no filing seen in the circuit court yet; a new Board order was issued on 12/11/2023	Brent Jackson, Esq., Maureen Mshar for ABC	
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# Resolutions

Licensee	Lic. Num.	Charge(s)	Negotiated Resolution	Region	Agreement Send Date
Mountain View Brewery, LLC t/a Devils Backbone Distilling Co.	093363	On July 27, 2023, between 9:30 a.m. and 10:00 a.m., the manufacturer sold, rented, lent, bought for or gave money, equipment, furniture, fixtures, property, services or something of value to E&J's Deli Pub/3r Generations Grill, Inc., a retail licensee, in violation of Sections 4.1-202, 4.1-216 (c), 4.1-225 1.b. and 4.1-328 of the Code of Virginia and 3VAC5-30-60.	\$2,000.00 civil penalty	Compliance	11/2/2023
Happy Pot Virginia 1, LLC t/a Happy Lamb Hot Pot	090627	On May 24, 2023, at approximately 4:25 p.m., the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-304 A. of the Code of Virginia and 3VAC5-50-10 and 3VAC5-50-20.	\$2,500 civil penalty	4	11/7/2023
Byrd Cellars LLC t/a Byrd Cellars, LLC	061961	Between January 1, 2023 and September 30, 2023, the licensee sold wine in an unauthorized manner, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-324 A.5. of the Code of Virginia.	\$1,250 civil penalty	Compliance	11/9/2023
R K Enterprises, RVA LLC t/a Euro Market & Cafe	13188957	On July 28, 2023, the licensee purchased wine or beer other than by cash paid and collected at the time of or prior to delivery, in violation of Sections 4.1-202 and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-30-30.	\$500 civil penalty	5	11/17/2023
MAZI, LLC t/a Super Val U Grocery #1	038221	On October 1, 2023, at approximately 2:44 p.m., the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-304 A. of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20.	1. \$4,000 civil penalty 2. RSVP and MART training within 30 days of the signing of this agreement	1	11/22/2023



# Resolutions

Licensee	Lic. Num.	Charge(s)	Negotiated Resolution	Region	Agreement Send Date
California Pizza Kitchen, Inc. t/a California Pizza Kitchen	027967	On October 18, 2023 at approximately 4:00 p.m., the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-304 A. of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20.	\$2,500 civil penalty	4	11/29/2023
421 Market, Inc. t/a 421 Market	042490	On July 27, 2023, at approximately 2:37 p.m., the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-304 A. of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20.	25-day suspension	1	11/30/2023
GHR, LLC t/a District 5	087396	The licensee has failed to take reasonable measures to prevent an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, from occurring on the licensed premises, any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or any portion of public property immediately adjacent to the licensed premises, in violation of Sections 4.1-202 and 4.1-225 1.q. of the Code of Virginia.	<ol style="list-style-type: none"> <li>1. The licensee agrees to produce and maintain a contract for a certified Department of Criminal Justice Services (DCJS) security firm;</li> <li>2. Certified DCJS security personnel shall be present for every Wednesday, Friday, Saturday and Sunday evening that the licensed establishment is open for business; there shall be a minimum of 2 DCJS certified security personnel from 8-10 pm and a minimum of 4 DCJS security personnel from 10 pm until one half hour after the last patron has exited the premises and all immediately adjacent areas and parking lots are cleared of patrons;</li> <li>3. The licensee agrees to have a sufficient and reasonable number of DCJS security guards for the number of patrons each evening;</li> <li>4. The licensee agrees to have certified DCJS personnel wand any and all patrons and check bags before all entry and re-entry to the licensed premises beginning at 8 pm.;</li> <li>5. The licensee agrees to have certified DCJS personnel and/or staff monitor the immediately adjacent areas and parking lots to prevent any patrons loitering;</li> <li>6. The licensee agrees to contract with the Richmond Police Department for off-duty coverage for Wednesday, Friday, and Saturday evenings that the establishment is open for business;</li> <li>7. The licensee agrees to stop all alcohol sales at 1:30 am.;</li> <li>8. The licensee agrees to stop live entertainment on Wednesday - Saturday at 1:30 a.m. and at 12:00 a.m. on Sunday;</li> <li>9. The licensee agrees to post signage banning all loitering, banning all trespassing, and banning all firearms/weapons;</li> <li>10. The licensee agrees to contract with a towing company to have vehicles removed from the premises and</li> <li>11. Exercising the privileges of the license shall be subject to a 12 month probationary period.</li> </ol>	6	11/30/2023

# Resolutions

Licensee	Lic. Num.	Charge(s)	Negotiated Resolution	Region	Agreement Send Date
Lucky 7 LP, LLP t/a Hilton Garden Inn Winchester	054461	On October 7, 2023, at approximately 2:10 p.m., the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b. and 4.1-304 A. of the Code of Virginia and 3VAC 5-50-10 and 3 VAC 5-50-20	\$3,000 civil penalty (employees have had certified training within past six months)	3	12/18/2023
Justins Market, LLC t/a Justins Market	756342	On October 22, 2023, at approximately 10:10 a.m., the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-2251.b. and 4.1-304 A. of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20.	\$4,000 civil penalty	5	12/18/2023
			<b>Total civil penalties: \$ 19, 750.00</b> <b>Total costs of investigation paid: \$ 0.00</b> <b>Total days of suspension: 25 days</b> <b>Licensees providing certified training: 1</b> <b>12-month probationary period: 1</b> <b>CPA-Audits: 0</b> <b>** See special requirements for District 5 above*</b>		

# Hearings and Appeals

## HEARINGS & APPEALS CASELOAD October 30, 2023 – December 17, 2023

<b>Total number of new referrals from Enforcement</b>	<b>108</b>
<b>Expedited Consent</b>	
Number of expedited consents offered	95
Number of expedited consents accepted/completed	68
Collected <u>\$148,250 in civil penalties</u>	
Collected <u>nine (9) suspensions</u>	
<b>Pre-Hearing Conference and Formal Hearing Notice &amp; Opportunity to Negotiate/Mediate Notice</b>	
Number of Notices sent	25
Number of Pre-Hearing Conferences held	19
Number of cases to Formal Hearing held	11
<b>Negotiated Settlements</b>	
Number of negotiated cases executed	9
Collected <u>\$14,000 in civil penalties</u>	
Collected <u>one (1) 25-day suspension</u>	
Collected <u>one (1) revocation</u>	
<b>Franchise Matters</b>	
Number of active franchise matters	
1 – International Cellars & Lanterna Distribution v. Bodega Valduero – ALJ Maxey	1
<b>Appeals to the Board</b>	
Number of initial decisions appealed to the Board	
1 – El Tropi 2, LLC #754563 to be heard 1/9/2024	
2 – Big AI's #038372 to be set	2
Number of cases resolved after initial hearing and before appeal hearing	0
<b>Stays Issued</b>	
Cities Bar & Grill #753396 – Stay granted on 12/13/2023 for 60 days, will expire on 2/11/2024	1
<b>Cases on appeal from Board to Circuit Courts</b>	
1 – Hard Times Café #007081 – Negotiated resolution entered 12/13/2023	
2 – The 4 Cyber Café #755746	2
<b>Cases on appeal from Circuit Court to Court of Appeal</b>	
	0
<b>Mediated Cases</b>	
Number of cases to mediation	0
Number of cases settled by mediation	0
<b>Summary Suspensions</b>	
District 5 #87396 – Richmond – incident date 11/20/23, Order of Summary Suspension served 11/22/2023 Resolved through Negotiations on 12/1/2023	1



37  
Expedited Consent Orders Accepted/Completed  
October 30, 2023 - December 17, 2023

1/9/2024

	A	B	C	D	E	F	G
1	Licensee (Trading As)	Lic. Num.	Charge(s)	Civil Penalty	Suspension Accepted (# of days)	Disposition Date	Region
2	BLACK BEAR BISTRO & SWEENEYS CELLAR RESTAURANT	061317	Bad Check	\$ 500.00		10/31/2023	CHARLOTTESVILLE
3	WHITE HOUSE CORNER STORE	076508	UAB	\$ 2,500.00		10/31/2023	LYNCHBURG
4	CARMELOS RISTORANTE ITALIANO	046702	UAB	\$ 2,500.00		10/31/2023	ALEXANDRIA
5	THE MARKET AT BLUEWATER KITCHEN	013311313	UAB	\$ 2,500.00		10/31/2023	CHARLOTTESVILLE
6	BRAVO	756092	UAB	\$ 2,500.00		10/31/2023	FREDERICKSBURG
7	SILVER DINER	072958	UAB	\$ 2,500.00		11/3/2023	ALEXANDRIA
8	PUZUKAN TAN	013274997	UAB	\$ 2,500.00		11/3/2023	ALEXANDRIA
9	COPPERWOOD TAVERN	082678	Bad Check	\$ 500.00		11/6/2023	ALEXANDRIA
10	BOWL AMERICA DRANESVILLE	019330	UAB	\$ 2,500.00		11/7/2023	ALEXANDRIA
11	C SQUARE SPORTS BAR & GRILL	013396362	Bad Check	\$ 500.00		11/7/2023	RICHMOND
12	LIBERTY STREET MARKET	754454	2nd UAB within 5 years	\$ 4,000.00		11/8/2023	ROANOKE
13	D & A CAFÉ	022698	UAB		25	11/8/2023	ROANOKE
14	BELLAS	053748	UAB	\$ 2,500.00		11/9/2023	ROANOKE
15	HILTON GARDEN INN BLACKSBURG	061297	UAB	\$ 2,500.00		11/13/2023	ROANOKE
16	LYDIAS ITALIAN KITCHEN	085986	UAB	\$ 2,500.00		11/13/2023	ROANOKE
17	3 STAR VAPE & TOBACCO	751699	UAB	\$ 2,500.00		11/13/2023	RICHMOND
18	DOSWELL EXXON	053936	2nd UAB within 5 years	\$ 4,000.00		11/13/2023	FREDERICKSBURG
19	MY THAI PLACE RESTAURANT	085512	UAB	\$ 2,500.00		11/14/2023	ALEXANDRIA
20	7 ELEVEN STORE 2554 25143B	052291	UAB	\$ 2,500.00		11/14/2023	ALEXANDRIA
21	PLAZA SHELL	090418	UAB		25	11/14/2023	ALEXANDRIA
22	THE PERFECT PITA	013306064	UAB		25	11/14/2023	ALEXANDRIA
23	610 MART & TOBACCO	013323458 / 013291699	UAB	\$ 2,500.00		11/15/2023	FREDERICKSBURG
24	BOBOKO INDONESIAN CAFÉ	091608	UAB		25	11/15/2023	STAUNTON
25	BERKLEY SUPERMARKET	755679	UAB	\$ 2,500.00		11/15/2023	CHESAPEAKE
26	LA BAMBA MEXICAN RESTAURANT	035301	UAB	\$ 2,500.00		11/20/2023	RICHMOND
27	ROMA RISTORANTE ITALIANO	082975	UAB	\$ 2,500.00		11/20/2023	FREDERICKSBURG
28	PAPA DS	004668	UAB	\$ 2,500.00		11/20/2023	ROANOKE
29	PUPUSERIA EL BUEN GUSTO RESTAURANT	019394	UAB		25	11/20/2023	ALEXANDRIA
30	DOLLAR GENERAL STORE 12458	083690	2nd UAB within 5 years	\$ 4,000.00		11/20/2023	FREDERICKSBURG
31	HOLIDAY INN ROANOKE VALLEY VIEW	090953	2nd UAB within 5 years	\$ 4,000.00		11/20/2023	ROANOKE
32	SAMURAI HIBACHI & SUSHI BAR	755852	Bad Check	\$ 500.00		11/20/2023	ALEXANDRIA
33	BOURBON BOULEVARD	754191	Refilled or partially refilled bottles containing alcoholic beverages	\$ 750.00		11/21/2023	ALEXANDRIA
34	THE GOLDEN PONY	086753	UAB	\$ 2,500.00		11/21/2023	STAUNTON



Expedited Consent Orders Accepted/Completed  
October 30, 2023 - December 17, 2023

1/9/2024

	A	B	C	D	E	F	G
1	Licensee (Trading As)	Lic. Num.	Charge(s)	Civil Penalty	Suspension Accepted (# of days)	Disposition Date	Region
35	MACADOS	052502	UAB	\$ 2,500.00		11/27/2023	ROANOKE
36	FAS MART # 101	026062	2nd UAB within 5 years	\$ 4,000.00		11/28/2023	LYNCHBURG
37	FORTUNATO	087897	UAB	\$ 2,500.00		11/28/2023	ROANOKE
38	BRX OVEN	752292	UAB	\$ 2,500.00		11/28/2023	ALEXANDRIA
39	ADWOLFE MART	754821	UAB	\$ 2,500.00		11/28/2023	ROANOKE
40	SAKURA JAPANESE STEAK & SEAFOOD HOUSE	019823	UAB	\$ 2,500.00		11/28/2023	ALEXANDRIA
41	FOOD MART	092356	UAB	\$ 2,500.00		11/29/2023	CHESAPEAKE
42	57 SUPERETTE	090474	UAB	\$ 2,500.00		12/1/2023	LYNCHBURG
43	ANNIE KAYS MAIN STREET MARKET IMAGINATIONS	044647	UAB		25	12/1/2023	ROANOKE
44	LEONES	090423	UAB	\$ 2,500.00		12/1/2023	CHESAPEAKE
45	MILLER'S #513	013301013	UAB	\$ 2,500.00		12/1/2023	CHESAPEAKE
46	HEFUN	756640	UAB	\$ 2,500.00		12/1/2023	ROANOKE
47	ALDI	095093	UAB	\$ 2,500.00		12/1/2023	CHESAPEAKE
48	BILLYS	078563	UAB	\$ 2,500.00		12/1/2023	ROANOKE
49	WAL MART SUPERCENTER # 1759	016838	UAB	\$ 2,500.00		12/1/2023	HAMPTON
50	DAMASCUS DINER	094385	UAB		25	12/6/2023	ROANOKE
51	HAPPY SHOPPER	013186780	UAB	\$ 2,500.00		12/6/2023	HAMPTON
52	RIEN TONG THAI CUISINE	070765	UAB		25	12/6/2023	ALEXANDRIA
53	RACEWAY	094874	UAB	\$ 2,500.00		12/6/2023	HAMPTON
54	MOUNTAIN VALLEY CONVENIENCE CORP	075184	UAB	\$ 2,500.00		12/6/2023	CHARLOTTESVILLE
55	SAV A TON	026963	UAB	\$ 2,500.00		12/6/2023	CHESAPEAKE
56	BELLA PIZZA	016740	UAB	\$ 2,500.00		12/6/2023	ROANOKE
57	EARTH FARE	753620	2nd UAB within 5 years	\$ 4,000.00		12/6/2023	HAMPTON
58	ALDI INC	090759	UAB	\$ 2,500.00		12/6/2023	HAMPTON
59	7 ELEVEN STORE 16753 C	092338	UAB	\$ 2,500.00		12/6/2023	CHESAPEAKE
60	LOVE FOOD MART 6	750811	UAB	\$ 2,500.00		12/6/2023	CHESAPEAKE
61	THE FRESH MARKET	069105	UAB	\$ 2,500.00		12/7/2023	HAMPTON
62	STAR EXPRESS	062750	UAB	\$ 2,500.00		12/7/2023	HAMPTON
63	CORK TAP TASTE	013289462	UAB	\$ 2,500.00		12/11/2023	HAMPTON
64	BIG LICK TROPICAL GRILL	078257	UAB	\$ 2,500.00		12/11/2023	LYNCHBURG
65	TOKYO JAPANESE CAFÉ INC	054341	UAB		25	12/11/2023	ROANOKE
66	DOLLAR GENERAL STORE 14407	084303	UAB	\$ 2,500.00		12/12/2023	HAMPTON
67	TOKYO JAPANESE STEAKHOUSE	091817	UAB	\$ 2,500.00		12/12/2023	HAMPTON
68	WATTS & SONS SUPERMARKET	754840	2nd UAB within 5 years	\$ 4,000.00		12/12/2023	FREDERICKSBURG
69	DODGES STORE	010794	UAB	\$ 2,500.00		12/12/2023	HAMPTON



**Negotiations Accepted/Completed**  
**October 30, 2023 – December 17, 2023**

LICENSEE NAME	ABC LICENSE #	VIOLATION DATE	DISPOSITION DATE	CIVIL PENALTY (\$)	SUSPENSION / OTHER
DEVILS BACKBONE DISTILLING CO.	093363	9/26/2023	11/7/2023	\$2,000	
COBBLER MOUNTAIN CIDER	066405	10/4/2023	11/8/2023	\$1,250	
BYRD CELLARS LLC	061961	10/3/2023	11/15/2023	\$1,250	
HAPPY LAMB HOT POT	090627	5/24/2023	11/15/2023	\$2,500	
SUPER VAL U GROCERY #1	038221	10/1/2023	11/28/2023	\$4,000	
EURO MARKET & CAFÉ	013188957	8/17/2023	11/29/2023	\$500	
421 MARKET	042490	7/27/2023	11/30/2023		25-day
DISTRICT 5	087396	11/20/2023	12/1/2023		See below
CALIFORNIA PIZZA KITCHEN	027967	10/18/2023	12/6/2023	\$2,500	
			<b>TOTAL</b>	<b>\$14,000</b>	

**District 5:**

1. The licensee agrees to produce and maintain a contract for a Certified Department of Criminal Justice Services (DCJS) security firm;
2. Certified DCJS security personnel shall be present for every Wednesday, Friday, Saturday and Sunday evening that the licensed establishment is open for business; there shall be a minimum of two (2) DCJS certified security personnel from 8:00 - 10 p.m. and a minimum of four (4) DCJS certified security personnel from 10 p.m. until one half hour after the last patron has exited the premises AND all immediately adjacent areas and parking lots are cleared of patrons.
3. The licensee agrees to have a sufficient and reasonable number of DCJS security guards for the number of patrons each evening;
4. The licensee agrees to have certified DCJS personnel wand any and all patrons and check bags before all entry and re-entry to the licensed premises beginning at 8:00 p.m.;
5. The licensee agrees to have certified DCJS personnel and/or staff monitor the immediately adjacent areas and parking lots to prevent any patrons loitering;
6. The licensee agrees to contract with the Richmond Police Department (RPD) for off-duty coverage for Wednesday, Friday and Saturday evenings that the establishment is open for business;
7. The licensee agrees to stop all alcohol sales at 1:30 a.m.;
8. The licensee agrees to stop live entertainment on Wednesday- Saturday at 1:30 a.m. and at 12:00 a.m. on Sunday;
9. The licensee agrees to post signage banning all loitering, banning all trespassing and banning all firearms/weapons;
10. The licensee agrees to contract with a towing company to have vehicles removed from the premises; and
11. Exercising the privilege of the license shall be subject to a twelve (12) month probationary period.



## Administrative Hearings Status Report

### ADMINISTRATIVE HEARINGS

Style of Case	Charges	Status of Case	Location of Hearing	Parties Involved	Date Decision Rendered
Big Als (Front Royal)	UAB	PHC – 9/18/23 @10am HR – 9/26/23 @10am	Staunton	ALJ – Griffin OLC – Yates Mark Dycio, Esq.	Substantiated  11/13/2023
Mularkey Distilled (Bristow)	UAB	PHC – 10/19/23 @ 10 HR – 10/26/23 @ 10	Alexandria	ALJ – Griffin OLC – Mshar	
Ladysmith Shell (Ruther Glen)	UAB	PHC – 10/20/23 @ 9am HR – 10/27/23 @ 9am	Hanover	ALJ – Griffin	Substantiated 12/4/2023
8 <sup>th</sup> Street Grill & Market (Roanoke)	Lack of respect for law and order	PHC – 10/20/23 @ 11 HR – 10/27/23 @ 11	Roanoke	ALJ – Richardson	Resolved through negotiations
Germanna Market (Lignum)	1 – Failed to keep records 2 – Qualification to retain W/B	PHC – 10/23/23 @ 10a HR – 10/30/23 @ 10am	Charlottesville	ALJ – Page	Substantiated 11/15/2023
601 Variety Store (Spotsylvania)	UAB	PHC – 10/24/23 @ 9am HR – 10/31/23 @ 9am	Hanover	ALJ – Griffin	Substantiated 12/1/2023
Banquet – William Quigley	Objection by County of Albemarle	HR – 11/6/23 @ 9am	Charlottesville	ALJ – Page	Granted
The Alpine Goat Brewery (Weyers Cave)	1 – Peace & Good Order 2 – So situated to church.... 3 – So situated to residence .... 4 – Does not conform ..... 5 – Applicant not of good moral ....	PHC – 11/1/23 @ 10am HR – 11/8/23 @ 10am	Staunton	ALJ – Maxey	Granted  12/12/2023
Fork in the Alley (Roanoke)	1 – 3 – Bad checks 4 – Failed to submit MBAR	PHC – 11/6/23 @ 11am HR – 11/13/23 @ 11am	Roanoke	ALJ – Maxey	Resolved through negotiations
Happy Lamb Hot Pot (Falls Church)	UAB	PHC – 11/8/23 @ 10am HR – 11/15/23 @ 10am	Alexandria	ALJ – Richardson	Resolved through negotiations
Amakel Café & Carryout (Falls Church)	So situated with respect to residential	PHC – 11/8/23 @ 12p HR – 11/15/23 @ 12p	Alexandria	ALJ – Richardson	License granted 11/17/2023
Daq Life (Colonial Heights)	Lack of respect for law and order – licensee record	PHC – 11/3/23 @ 9am HR – 11/16/23 @ 9am	Hanover	ALJ – Richardson	Resolved through negotiations
Vybez Rest. & Banquet (Petersburg)	1 – 3 – Not qualified to retain MB	PHC – 11/8/23 @ 1pm HR – 11/16/23 @ 1pm	Hanover	ALJ - Richardson	Substantiated/revoked 12/7/2023



Style of Case	Type of Matter	Status of Case	Location of Hearing	Parties Involved	Date Decision Rendered
Devils Backbone Dist. (Roseland)	Gave property to retailer	PHC – 11/9/23 @ 10am HR – 11/16/23 @ 10am	Lynchburg	ALJ – Page	Resolved through negotiations
Alvaro's Market (Vinton) <b>Public Safety</b>	1 – Obstruct agents 2 – Failed to take reasonable measures to prevent act of violence	PHC – 11/14/23 @ 10a HR – 11/21/23 @ 10am	Roanoke	ALJ – Page	Resolved through negotiations
Byrd Cellars (Goochland)	Sale of wine/beer in an unauthorized manner	PHC – 11/20/23 @ 9am HR – 11/27/23 @ 9am	Hanover	ALJ – Page	Resolved through negotiations
Euro Market & Café (Ashland)	Bad check to wholesaler	PHC – 11/20/23 @ 11a HR – 11/27/23 @ 11am	Hanover	ALJ – Page	Resolved through negotiations
C Square Sports Bar (Hopewell)	Bad check to the Board	PHC – 11/20/23 @ 1pm HR – 11/27/23 @ 1pm	Hanover	ALJ – Page	Accepted ECO
Royal Mart #4 (Staunton)	UAB	PHC – 11/21/23 @ 11a HR – 11/28/23 @ 11am	Staunton	ALJ – Griffin	
M. Torrey Conv. (Lyndhurst)	UAB	PHC – 11/17/23 @ 12p HR – 11/28/23 @ 12pm	Staunton	ALJ – Griffin	
Cobbler Mountain Cider (Delaplane)	Sale of wine/beer in an unauthorized manner	PHC – 11/17/23 @ 10a HR – 11/29/23 @ 10am	Charlottesville	ALJ – Page	Resolved through negotiations
Durango Grill (Fredericksburg)	1 – Consumption of alcoholic beverage by intoxicated persons 2 – Loitering – intoxicated person 3 – Failed to take reasonable measures to prevent place from becoming a continuing threat to public safety	PHC – 11/14/23 @ 10a HR – 11/29/23 @ 10am	Hanover	ALJ – Richardson	
Super Val U Grocery (Newport)	UAB	PHC – 11/17/23 @ 10a HR – 11/30/23 @ 10am	Roanoke	ALJ – Griffin	Resolved through negotiations
Coxes (Nickelsville)	UAB	PHC – 11/29/23 @ 9am HR – 12/5/23 @ 1pm	Abingdon	ALJ – Griffin	
421 Market (Pennington Gap)	UAB	PHC – 11/29/23 @ 11a HR – 12/5/23 @ 2pm	Abingdon	ALJ – Griffin	Resolved through negotiations

Style of Case	Type of Matter	Status of Case	Location of Hearing	Parties Involved	Date Decision Rendered
20 Labs Convenience (Richmond)	UAB	PHC – 11/29/23 @ 10a HR – 12/11/23 @ 11am	Hanover	ALJ – Griffin	
Royal Deli & Mart (Stafford)	UAB	PHC – 12/7/23 @ 9am HR – 12/14/23 @ 9am	Hanover	ALJ – Griffin	
California Pizza Kitchen (Fairfax)	UAB	PHC – 12/8/23 @ 1pm HR – 12/15/23 @ 1pm	Alexandria	ALJ – Griffin Kendal Jones, Esq. (California)	Resolved through negotiations
Ferment Nation (Fairfax)	Licensee can't demonstrate financial responsibility	PHC – 12/1/23 @ 10am HR – 12/15/23 @ 10am	Alexandria Compliance	ALJ - Maxey	
Fidel Restaurant & Lounge (Falls Church)	Obj – So situated with respect to residence or residential area	PHC – 12/12/23 @ 10a HR – 12/18/23 @ 10am	Alexandria	ALJ – Maxey	
Pupuseria El Buen Gusto Restaurant (Fairfax)	UAB	PHC – 12/11/23 @ 11a HR – 12/18/23 @ 2pm	Alexandria	ALJ – Maxey	Accepted ECO
Hilton Garden Inn Winchester (Winchester)	UAB	PHC – 12/12/23 @ 10a HR – 12/19/23 @ 10am	Staunton	ALJ – Griffin	
Hycos Market (Matthews)	UAB	PHC – 12/13/23 @ 10a HR – 12/20/23 @ 10am	Hampton	ALJ – Page	
Salsa's Mex Grill (Woodbridge)	UAB	PHC – 12/28/23 @ 11a HR – 1/4/2024 @ 11a	Alexandria	ALJ – Maxey	
Jakes Gas N Go (Fork Union)		PHC – 1/2/24 @ 10am HR – 1/8/24 @ 10am	Charlottesville	ALJ – Maxey	
Red Apple Tobacco (Stafford)		PHC – 1/4/24 @ 9am HR – 1/11/24 @ 9am	Hanover	ALJ – Richardson	
Justins Market (Stafford)		PHC – 1/4/24 @ 10am HR – 1/11/24 @ 10am	Hanover	ALJ – Richardson	
7-Eleven 24343 K (Norfolk)	UAB	PHC – 1/9/24 @ 10am HR – 1/16/24 @ 10am	Chesapeake	ALJ – Page	

1/9/2024

Style of Case	Type of Matter	Status of Case	Location of Hearing	Parties Involved	Date Decision Rendered
Family Dollar (Hampton)	UAB	PHC – 1/10/24 @ 9am HR – 1/17/24 @ 9am	Hampton	ALJ – Richardson	
Food Lion 1625 (Hampton)	UAB	PHC – 1/10/24 @ 10am HR – 1/17/24 @ 10am	Hampton	ALJ – Richardson	
Food Lion 466 (Hampton)	UAB	PHC – 1/10/24 @ 11am HR – 1/17/24 @ 11am	Hampton	ALJ – Richardson	
Stop N Go (Hampton)	UAB	PHC – 1/10/24 @ 1pm HR – 1/17/24 @ 1pm	Hampton	ALJ – Richardson	
Hayashi Sushi & Grill (Newport News)	UAB	PHC – 1/10/24 @ 2pm HR – 1/17/24 @ 2pm	Hampton	ALJ – Richardson	
7-Eleven 34729 J (Smithfield)	UAB	PHC – 1/10/24 @ 3pm HR – 1/17/24 @ 3pm	Hampton	ALJ – Richardson	
Davis Travel Center (Stony Creek)	UAB	PHC – 1/17/24 @ 10am HR – 1/24/24 @ 10am	Hampton	ALJ – Page	
Twisted Pines Vineyard (Staunton)	1 - Situated w/ respect to residence 2 - Not of good moral character 3 - Police record 4 -Reputation for excessive drinking	PHC – 1/18/24 @ 9am HR – 1/25/24 @ 10am	Staunton	ALJ - Page	
Local Roots Café (Roanoke)	UAB	PHC – 1/19/24 @ 9am HR – 1/26/24 @ 11am	Roanoke	ALJ – Richardson	
Holiday Travel L Park (Virginia Beach)	UAB	PHC – 1/22/24 @ 10am HR – 1/29/24 @ 10am	Chesapeake	ALJ – Maxey	

1/9/2024

**FRANCHISE**

Style of Case	Type of Matter	Status of Case	Location of Hearing	Parties Involved	Date Decision Rendered
Premium Distributors of Virginia and Blue Ridge Beverage Company v. The Boston Beer Company	Distribution matter "Dual distribution"	Hearing held May 25, 2023 Board Appeal filed August 25, 2023 <a href="#">Board Appeal Hearing – November 17, 2023</a>	Hanover	ALJ – Maxey  Kevin McNally, Esq. for Premium Distributors & Blue Ridge Beverage  Brian Wainger, Esq. w/ Kaleo Legal for Boston Beer Company	7/26/2023  <b>Board Appeal Decision</b> 11/21/23
Brew Hub, LLC v. Ferment Nation, LLC	Termination of Agreement	Teleconference – 3/27/23 @ 2pm On April 5, 2023, the parties requested that proceedings be postponed. They requested 8 weeks to get the dispute resolved. <a href="#">11/7/23 Hearing – Canceled – parties resolved through private negotiations</a> <a href="#">11/8/23 – Order of Dismissal entered</a>		ALJ – Richardson  Thomas Lisk, Esq. for Brew Hub	
Cennatio Wines v. Siema Wines LLC	<a href="#">Termination of Agreement</a>	Tentative Hearing Date October 10, 2023 As of May 17, 2023 – Siema wishes to move forward with the hearings process. The ALJ provided 120 days to attempt private negotiations and or attempt to mediate. <a href="#">11/9/23 – Hearing – Canceled - parties resolved through private negotiations</a>		ALJ – Richardson  Craig Franco, Esq. for Siema Wines	
International Cellars, LLC & Lanterna Distribution, Inc. v. Bodega Valduero	Termination of Agreement	9/6/26 – Teleconference 9/7/23 – Scheduling Order forwarded to parties, due 9/20/23 <a href="#">11/20/23 – Virtual Hearing held</a>		ALJ - Maxey	

# FOIA

Date Received	Requester	Request	Status
Mon 11/6/23	Aubrey Nelson (Underwriter, Auto Owners Ins.)	violation history of The Family Bowling Center Inc. t/a Fort Hill Bowling Center, located at 6015 Fort Ave., Lynchburg, Virginia, ABC license #35192	Completed - responsive records provided
Mon 11/6/23	Howard Fitzgerald	documents from start to finish for: DAQ LIFE - Application No.: 013382179 and Administrative Case No.: 013415780	Withdrawn
Wed 11/8/23	William H. Turner	As you offered on 10/6/22, I would like for you to send me a cost estimate for the number of travel expense reimbursement vouchers and the daily vendor records (examples enclosed) for all of your 400 stores in 2022 and 2023. In the meantime, please send to me and bill me for these records of your Richmond office for January 2023, or I will pay in advance. I thought by doing this, it would be clear as to what I would be purchasing.	Withdrawn
Wed 11/8/23	Laura Aydelette	Under the Virginia Freedom of Information Act, I request a list of complaints filed against Restaurants, Venues, companies and Individuals in the 24151 zip code from January 1, 2020 to present day. I would like: <ul style="list-style-type: none"> <li>• Date/Time Complaint was filed/received</li> <li>• Name of Establishment</li> <li>• Complaint Type (e.g. Object to granting of an ABC License, etc.)</li> <li>• Brief Description Submitted</li> <li>• First Name of Complainant</li> <li>• Email Address of Complainant</li> </ul>	Completed - responsive records provided
Thu 11/9/23	Lindsey Bennett (Underwriter, Auto Owners Ins.)	violation history of BCR Old Town Pizzeria LLC t/a Romas Wood Fired Pizzeria, located at 21 N. Loudoun St., Winchester, Virginia, ABC license #84504	Completed - responsive records provided
Fri 11/10/23	Christian Dorndoff (M. Christian Dorndoff PC)	Please provide me with license history and records of complaints and violations for the following license: 97208 FAIRFAX COUNTY Retail Restaurant or Caterer License Fidel Restaurant and Lounge Restaurant Beer Wine Mixed Beverage location : 3815-B South George Mason Dr., Falls Church VAA	Completed - responsive records provided
Mon 11/13/23	Aubrey Nelson (Underwriter, Auto Owners Ins.)	violation history at Los Rodeos Mexican Restaurant located at 722 Commonwealth Drive, Norton, Virginia	Completed - no responsive records
Tue 11/14/23	Jacob Gasterland (Underwriter, Auto Owners Ins.)	violation history at The Surry Seafood Company, ABC license #95052	Completed - responsive records provided



# FOIA

Date Received	Requester	Request	Status
Wed 11/15/23	Noah Canady	documents related to the retail hotel liquor licenses for the locations in the enclosed table. To ease the records search, I have included an associated license number where I have been able to identify one. Specifically, I request digital copies of the following: <ul style="list-style-type: none"> <li>• Original license application, including all attachments.</li> <li>• Updates and amendments filed in association with the license, including attachments thereto.</li> <li>• Any license inspection report issued upon approval or renewal of the license since 2015.</li> </ul> Hyatt Regency Crystal City, 2799 Richmond Hwy, Arlington, VA 22202, ABC license # 25434 Westin Arlington, 801 N Glebe Rd, Arlington, VA 22203, ABC license # 90320 Embassy Suites Crystal City, 1300 Richmond Hwy, Arlington, VA 22202, ABC license # 87007 Hilton Arlington National Landing, 2399 Richmond Hwy, Arlington, VA 22202, ABC license # 751889 Double Tree by Hilton Hotel Wash DC Crystal City, 300 Army Navy Dr, Arlington, VA 22202, ABC license # 91523 Le Meridien Arlington, 1121 19th St, Arlington, VA 22209, ABC license # 90372	Completed - responsive records provided
Wed 11/15/23	Patricia Melochick (Senior Deputy City Attorney, City of Hampton)	1. A record of all licenses issued jointly to (1) a public entity (i.e. city, county, public university, etc); and (2) a private entity from 2020 – present. 2. Agreements between the public entities and private entities for which license are provided pursuant to #1.	Completed - no responsive records
Wed 11/15/23	Aubrey Nelson (Underwriter, Auto Owners Ins.)	violation history of Radhe Krishna 201 Inc. t/a JW Express, ABC license #013283227, received on 11/15/2023	Completed - no responsive records
Thu 11/16/23	Jacob Gasterland (Underwriter, Auto Owners Ins.)	violation history of Blaze On LLC t/a The River, located at 137 N. Wayne Ave., Waynesboro, Virginia, ABC license #752282	Completed - no responsive records
Thu 11/16/23	Jamie Pollak (Paralegal, Danow, McMullan & Panoff, PC)	Pursuant to the Freedom of Information Act, we respectfully request all existing records or documents pertaining to ASSOCIATED DISTRIBUTORS, LLC DBA BREAKTHRU BEVERAGE VIRGINIA, License Numbers: 090040, 090041, 90039, 90042, 68156, A06068002, 118397, 154953.	Completed - out of state requester
Thu 11/16/23	Lori DeSandro (Senior Administrative Assistant, Securance Consulting)	a copy of the tabulation sheets for the VA Alcoholic Beverage Control Authority RFP #130-23-SP.	Completed - responsive records provided



# FOIA

Date Received	Requester	Request	Status
Thu 11/16/23	John Rondot (Underwriter, Auto Owners Ins.)	violation history at Harbor Inn Seafood Restaurant, ABC license #59905.	Completed - responsive records provided
Fri 11/17/23	Donna Spurrier (CEO, Spurrier Group)	<p>It was recommended to me that now that the contract is finalized with Elevation I should resubmit my FOIA request. As previously stated, Spurrier Group and Familiar Creatures are requested the information noted below as a result of our loss in the bid for the Advertising Services Contract #132-23-SP. While we are not contesting the award, we do feel that we were the best qualified for the work. Being that the review team at Virginia ABC did not see our value, we want to learn from this experience so that we can better understand how to provide a more accurate representation of our capabilities in the future.</p> <p>Please provide electronic copies of the following documents:</p> <ul style="list-style-type: none"> <li>• Short list agency's original proposal</li> <li>• Short list agency's oral presentation deck/proposal</li> <li>• Review board scoring and notes for both the original proposal and the oral presentation</li> </ul>	Completed - responsive records provided
Fri 11/17/23	Jacob Gasterland (Underwriter, Auto Owners Ins.)	violation history of KMJR LLC t/a Grass Rootes, located at 195 E. Davis St., Culpeper, Virginia, 22701, ABC License #89813	Completed - responsive records provided
Mon 11/20/23	David Yost	<p>I am requesting the following information:</p> <ol style="list-style-type: none"> <li>1. What are the regulations for a remote license;</li> <li>2. What restrictions can be placed on a remote license such as serving times;</li> <li>3. What are the factors ABC uses when reviewing a licence;</li> <li>4. When are remote licences reviewed or renewed once granted;</li> <li>5. Whether these licences have a different or special method to contest them;</li> <li>6. A copy of the licence with the restrictions placed on Case Number #94121 which was reviewed for a licence and received.</li> </ol>	Completed - responsive records provided
Mon 11/20/23	Lindsay Bennett (Underwriter, Auto Owners Ins.)	violation history of Amy Anneen Johnson t/a Amy's Café, located at 103 Cambridge St., Fredericksburg, Virginia, 22405, ABC License #46371	Completed - responsive records provided
Tue 11/21/23	Aubrey Nelson (Underwriter, Auto Owners Ins.)	violation history of Sal & Raluca Inc. t/a Vitos Pizza Bar & Grill, located at 188 Richmond Hwy., Amherst, Virginia, 24521, ABC License #69780	#NAME?



# FOIA

Date Received	Requester	Request	Status
Tue 11/21/23	Aubrey Nelson (Underwriter, Auto Owners Ins.)	violation history of Sal & Rosa Inc. t/a Vitos Pizza & Italian Restaurant, located at 8181 Thomas Nelson Hwy., Lovington, Virginia, 22949, ABC License #43209	Completed - responsive records provided
Tue 11/21/23	Aubrey Nelson (Underwriter, Auto Owners Ins.)	violation history of JEDTED Inc. t/a JT's Grill, located at 4154 S. Amherst Hwy., Madison Heights, Virginia, 24572, ABC license #94002	Completed - responsive records provided
Tue 11/21/23	Jacob Gasterland (Underwriter, Auto Owners Ins.)	violation history of R Squared Events LLC t/a Hofheimer Building Event Venue, located at 2818 W. Broad St., Richmond, Virginia, 23230, ABC License #91951	Completed - responsive records provided
Wed 11/22/23	Lori DeSandro (Senior Administrative Assistant, Securance Consulting)	Thank you for your response to our FOIA request. We are not pursuing the tabulation sheets for #132-23-SP and are, in fact, requesting the tabulation sheets for RFP#130-23-SP Data Management & Governance Consulting Services issued on 11/28/2022.	Completed - responsive records provided
Wed 11/29/23	Captain Rocky Gripton (Idaho State Police  D3 – ABC)	initial decision in Premium Distributors, LLC and Blue Ridge Beverage Company, Inc. vs. Boston Beer Corporation	Completed - responsive records provided
Wed 11/29/23	Justin Kendall (Editor, Brewbound)	final decision in Premium Distributors, LLC and Blue Ridge Beverage Company, Inc. vs. Boston Beer Corporation	Completed - responsive records provided
Wed 11/29/23	David Libengood II	opening and closing date for Jokers Bar and Grille located at 2917 S Military Highway, Chesapeake, VA	Completed - responsive records provided
Thu 11/30/23	Laura Welch (Paralegal/Legal Secretary, Pillsbury Winthrop Shaw Pitmann LLP)	final decision in Premium Distributors, LLC and Blue Ridge Beverage Company, Inc. vs. Boston Beer Corporation	Completed - responsive records provided
Thu 11/30/23	Andy Shah	lease and purchase agreement for Country Club 2087 Inc., trading as Parham Stop located at 2087 South Hill Rd, Kenbridge, Virginia	Completed - responsive records provided
Thu 11/30/23	Lindsay Bennett (Underwriter, Auto Owners Ins.)	violation history of Galax Peking Palace Inc. t/a Canton Restaurant, located at 114 S. Main St., Galax, Virginia, 24333, ABC License #79035	Completed - responsive records provided
Mon 12/4/23	Chris Wyndham (Underwriter, Auto Owners Ins.)	violation history of La Barranca Mexican Grill Inc. t/a Mexican Restaurant, located at 418 N. Main St., Pearisburg, Virginia, 24134, ABC License #58888	Completed - responsive records provided





# FOIA

Date Received	Requester	Request	Status
Tue 12/5/23	Greg Steele	the current full list of special order items that can be acquired through Virginia ABC, with product codes and pricing.	Pending
Wed 12/6/23	Scott Flax	<p>Requesting the following information related to special release lottery winners for the Lottery conducted in November 2023 for the following bottles:</p> <ul style="list-style-type: none"> <li>• E.H. Taylor Jr. Barrel Proof Bourbon (\$71.99)   1,310 bottles   65.55% Alc. by Vol.   36,119 entries</li> <li>• E.H. Taylor Jr. Straight Rye Whiskey (\$69.99)   1,430 bottles   50% Alc. by Vol.   32,160 entries</li> </ul> <p>Requesting the following information on the winners in excel format:</p> <ul style="list-style-type: none"> <li>• Product Name</li> <li>• First and Last Name of the winner</li> <li>• City/Town of the winner (if available)</li> </ul>	Completed - responsive records provided
Thu 12/7/23	Scott Flax	<p>Requesting the following information related to special release lottery winners for the Lottery conducted in November 2023 for the following bottles:</p> <ul style="list-style-type: none"> <li>• A. Smith Bowman Cask Strength (\$99.99)   20 bottles   72.25% Alc. by Vol.   25,083 entries</li> <li>• Rock Hill Farms Bourbon (\$56.99)   172 bottles   50% Alc. by Vol.</li> </ul> <p>Requesting the following information on the winners in excel format:</p> <ul style="list-style-type: none"> <li>• Product Name</li> <li>• First and Last Name of the winner</li> <li>• City/Town of the winner (if available)</li> </ul>	Completed - responsive records provided

# FOIA

Date Received	Requester	Request	Status
Thu 12/7/23	William Pelfrey	<p>I request any and all evidence (contemporaneous memoranda, letters, notes for the record, recordings, emails, and/or other records) in the possession of the Virginia ABC Authority (or Agency if prior to 2019) of complaints filed by any persons or entities to the Virginia Alcoholic Beverage Control Authority (or Agency if prior to 2019) staff and employees, against Ms. Crystal Stump, her business, ABC Consulting VA, LLC, and/or its associates acting as agents of ABC Consulting, LLC.</p> <p>During a meeting I attended with Ms. Crystal Stump at Virginia ABC Authority Headquarters, Mechanicsville VA, on December 5, 2023, Ms. LaTonya Hucks-Watkins stated she had received “numerous” complaints from undisclosed people, regarding Ms. Crystal Stump, and/or her business, ABC Consulting VA, LLC.</p> <p>Additionally, an undated, unsigned Opinion Request Form, submitted by a staff attorney of the Virginia ABC Authority, on behalf of Virginia ABC Authority, to the Virginia State Bar, stated (Page 1): “Virginia ABC is aware of multiple businesses offering ‘consulting services’ to consumers in the Commonwealth. Such businesses provide courses online interpreting laws and regulations, and documents for clients to submit to Virginia ABC, and offer opinions as to whether various courses of conduct are legal/illegal. Such business also represent license applicants or licensees in administrative law proceedings when such representation is not allowed under the applicable statutes or regulations of the ABC Act or ABC regulations generally.”</p> <p>That Opinion Request Form further states “...the public complains to Virginia ABC about not getting licensed....”</p> <p>In the meeting of December 5, 2023, it was stated that the complaints received by Virginia ABC Authority regarding “consulting” businesses “came from the field” and “were centered on” ABC Consulting VA, LLC, Ms. Stump’s company.</p> <p>Since she and her company were named in “numerous,” “multiple” or “several” complaints, I seek, as Ms. Stump’s representative, to review these complaints and their complainants, by name, but if not by name, at least by entity type or employment category (private company, private individual but not a state employee, state employee, Virginia ABC Employee, Virginia Sworn law enforcement officer, Virginia non-sworn law enforcement personnel, etc.).</p> <p>Time Frame: 1/1/2016 to 12/1/2023</p>	Pending



# FOIA

Date Received	Requester	Request	Status
Thu 12/7/23	William Pelfrey	I request meeting records (minutes, transcripts, video, and or audio files) of any and all Virginia ABC Authority (or Agency if before 2019) Hearings and Appeals in which those present included Ms. Crystal Stump and Ms. LaTonya Hucks-Watkins (aka, Tonya Hucks-Watkins, Latonya Hucks-Watkins, LaTonya D. Hucks-Watkins). During a meeting at ABC Authority Headquarters, Mechanicsville VA, on December 5, 2023, Ms. LaTonya Hucks-Watkins stated that she had observed Ms. Crystal Stump questioning witnesses, presenting evidence, arguing facts, and making objections in ABC Hearings. Ms. Stump does not recall those occasions and seeks to review minutes, transcripts, videos, and/or audio records of the hearings to refresh her memory. Time Frame: 1/1/2016 to 12/1/2023 Formal Virginia ABC Hearings Virginia ABC Appeal Hearings	Pending
Thu 12/7/23	William Pelfrey	I request any and all policies, policy statements, documents, or procedures adopted by Virginia Alcoholic Beverage Control (ABC) Authority (or Agency if prior to 2019) authorizing or allowing an VA ABC License Applicant (Individual or Entity) or VA ABC Licensee to name a "Delegate" to conduct transactions with the Virginia Alcoholic Beverage Control Authority (or Agency if prior to 2019) on behalf of the Applicant (Individual or Entity). The practice of allowing an Applicant or Licensee to authorize a "Delegate" to act in their stead and on their behalf, to accomplish various tasks and activities authorized specifically by the Applicant or Licensee, appears to be well founded in the operation of the Virginia ABC Authority. See, for example, Virginia ABC Authority "VAL Frequently Asked Questions (FAQs)" ( <a href="https://www.abc.virginia.gov/licenses/val/val-faqs">https://www.abc.virginia.gov/licenses/val/val-faqs</a> . Accessed December 7, 2023) and an ABC Authority imbedded video describing the process for establishing and permitting a delegate to act for an applicant or licensee: (Emphasis Added) Follow the instructions in the letter to create an account and synchronize your licenses to your newly created account. Once this is complete, you are ready to start transacting on the site which includes: <ul style="list-style-type: none"> <li>• License transactions – Application, renewal, modification, surrenders, etc.</li> <li>• Financial transactions – All payment of fees and fines</li> <li>• Training records –Officially record training such as RSVP and MART</li> <li>• Printing license certificates and other documentation</li> <li>• Adding delegates</li> </ul> It is unlikely this practice developed without policy or procedures for its implementation and practice but files external to VA ABC Authority cannot be located. Time Frame: 1/1/1990 to 12/1/2023.	Pending
Fri 12/8/23	Felicity Murphy (Williams Mullen)	final decision in Premium Distributors, LLC and Blue Ridge Beverage Company, Inc. vs. Boston Beer Corporation	Completed - responsive records provided



# FOIA

Date Received	Requester	Request	Status
Mon 12/11/23	Adam Yalowitz	I write to request a copy of the liquor licenses, applications and any amendments to such for the following: DCA Hospitality Partners. LLC, doing business as PF Chang's, at Reagan National Airport in Arlington, VA MCA/TH/ACP JV, LLC doing business as Wolfgang Puck Bar and Bites, at Reagan National Airport in Arlington, VA MCA/TH/ACP JV, LLC doing business as Peet's Coffee, at Reagan National Airport in Arlington, VA	Completed - responsive records provided
Mon 12/11/23	Jim Morrison	I'm a reporter in Norfolk working on a story about Armed Forces Brewing Company. Virginia's FOIA appears to allow the exclusion of records if there is an ongoing investigation. But it also permits voluntary disclosure. § 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01. 1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services. I am requesting the applications filed by Armed Forces Brewing Company.	Pending
Mon 12/11/23	Andrew Coplon	copy of the application submitted to Virginia ABC by Armed Forces Brewing, located at 211 West 24th Street, Norfolk VA 23517.	Withdrawn
Mon 12/11/23	Lindsay Bennett (Underwriter, Auto Owners Ins.)	violation history of Mid Atlantic Golf Inc. t/a Sycamore Creek Golf Course, located at 1991 Manakin Rd., Manakin Sabot, Virginia, 23103, ABC license #55899	Completed - responsive records provided
Mon 12/11/23	Abigail McCaleb (Underwriter, Auto Owners Ins.)	violation history of: -Big Lick Brewing Company LLC t/a Big Lick Brewing Company, located at 409 Salem Ave, Roanoke, Virginia, 24016, ABC license #013373142 (winery) + #92578 (brewery) - Fortunato Holdings LLC t/a Fortunato, located at 301 1st St., Roanoke, Virginia, 24011, ABC license #87897 - Restaurant 357 LLC t/a Beamers 25, located at 357 Salem Ave., Apt 115, Roanoke, Virginia, 24016, ABC license #81173.	Completed - responsive records provided
Fri 12/15/23	Gregory Jackson	Listing of the winners for the lottery	Completed - responsive records provided



# FOIA

Date Received	Requester	Request	Status
Mon 12/18/23	Jacob Gasterland (Underwriter, Auto Owners Ins.)	violation history of Rockfish Brewing Company LLC t/a Rockfish Brewing Company, located at: - 900 Preston Ave., Charlottesville, Virginia, 22903, ABC license #751044 (brewery) and #013364395 (winery) - 201 W. Main St., Charlottesville, Virginia, 22902, ABC license #013172847 (brewery) and #013364386 (winery)	Completed - no responsive records
Tue 12/19/23	Brian Lewis	I would like to formally request a historical VABC file for the following address; 10896 Buckley Hall Road Mathews, VA 23109 Rajgur, Inc. / DBA Hyco Market and VANM&APR Corp. as well as any previous licensees at that address. I would also like to have come clarification on a violation in 2023 wherein two cases were combined into one involving Rajgur, Inc./Hyco Market. The records I received earlier this year aren't very clear.	Pending
Wed 12/20/23	Wendy Laubach (Corporate Director of Contracts & 3P, Saf-Gard Shoe Company)	We would like to request a bid tabulation for RFP #142-24.	Pending
Wed 12/20/23	Ann Mallek (White Hall District Supervisor, Albemarle)	please share with me the dates for public comment and objection letters for the application for [Tiffin Farm Farm Brewery License Application # 013442777]	Pending

# CDBO Report

Press Releases

Corporate Communications Update



# Press Releases

Date released	Topic	Distribution	Approved By
November 15	Virginia ABC Hosts Grand Opening for 400th Store in Jonesville	Press Release - targeted	Thomas Kirby
November 21	Four Virginia Universities and a Community College Recognized for Substance Use Prevention Efforts	Press Release statewide	Thomas Kirby
December 12	Virginia ABC Announces Dates for Its Alcohol Education and Prevention Grant Applications	Press Release statewide	Thomas Kirby



# Corporate Communications Office (CCO)

## Staffing and Administration

- Optimizing synergies and talents across team to gain efficiencies

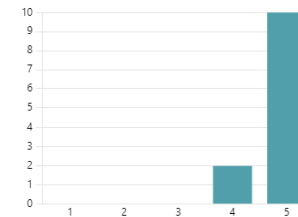
## Delivery

- Continued Executive Communications support
- Board Meeting preparation
- Contributing to WOLO LA After Action Review; processes to be enhanced Q1
- Created and delivered Employee Discount Day communications package
- Successful launch of Virginia ABC's Retail Ambassador Program

### Program Overview

- 36 Registrants as of 12/22/23
- Support for 23 unique stores
- Week 1 survey issued with 100% completion by ambassadors and 5 out of 10 stores
- Overall Ranking for program: 4.83/5

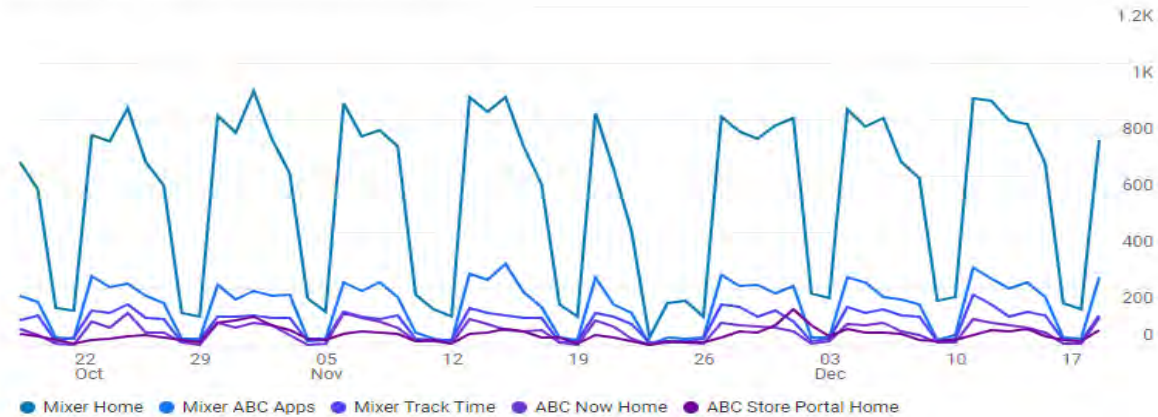
4.83  
Average Rating



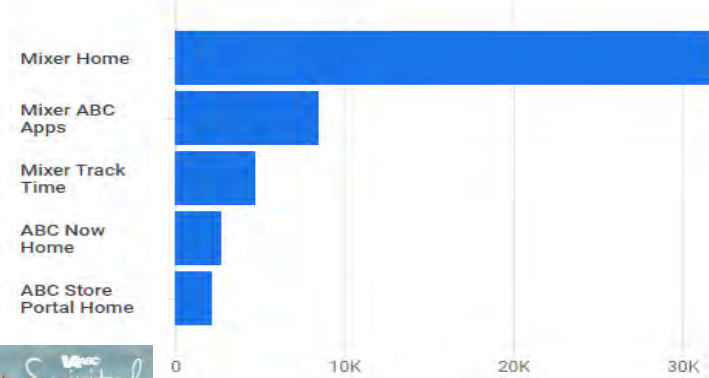


# Corporate Communications Office (CCO)<sup>57</sup>

Views by Page title and screen class over time



Views by Page title and screen class



- **Mixer:** 32,000 Views (Oct. 19 – Dec. 18)
- **October Distilleries e-newsletter:** 59.2% open rate & 9.2% click rate, 25% and 28% above industry standard
- **Spirited Virginia Magazine Q1 2024 issue:** 65,000 copies delivered to 400 stores for pick up by customers and licensees
- **Q4 Licensee e-newsletter:** 4,000+ recipients; 53% open rate, well above industry average of 30.6%

# CAO Report – David Alfano

HR

DEI

PMO



# Human Resources

HUMAN RESOURCES						
Requestor: 06/01/2023 - 06/30/2023 Approver: David Alfano						
Working Title	Position	Pay	Reason Needed	Date Approved	Notes	Approver: CAO
Senior Sales Associate	15506/ 155	\$ 36,300.00	New position	11/30/2023	Position established based on Retail Administration's staffing model needs	
Senior Sales Associate	15311/ 153	\$ 36,300.00	New position	11/30/2023	Position established based on Retail Administration's staffing model needs	
ITEM: Travel Authorization Reports (3 or more people or excess of \$5000)	Participants	Meeting Information/Name	Location and Dates	Cost	Reason Travel Required	Approver: CEO
	Mauren Mshar	29th Annual Administrative Law Conference	Richmond - November 9th	\$315.00	Continuing legal credits	Dave Alfano
	Latonya Hucks-Watkins	29th Annual Administrative Law Confernece	Richmond - November 9th	\$315.00	Continuing legal credits	Dave Alfano
	John Daniel	29th Annual Administrative Law Conference	Richmond - November 9th	\$315.00	Continuing legal credits	Dave Alfano
	Rachael Yates	29th Annual Administrative Law Conference	Richmond - November 9th	\$315.00	Continuing legal credits	Dave Alfano



# Human Resources

ITEM: Recognition/Rewards of \$750 or higher	Employee to receive LAST	Manager	Reasoning	Amount	Notes	Approver: CAO
	Eric Brown	Ferrell, Hunter	Distribution Center Incentive Bonus	\$1,079.54		
	Richard Coley	Strack, Edward	Distribution Center Incentive Bonus	\$779.08		
	Terrell Manning	Strack, Edward	Distribution Center Incentive Bonus	\$946.70		
	Patrick Ochei	Strack, Edward	Distribution Center Incentive Bonus	\$1,085.60		
	Robert Robertson	Kellison, Jared	Distribution Center Incentive Bonus	\$906.99		
	Raymond Robinson	Ferrell, Hunter	Distribution Center Incentive Bonus	\$1,054.82		
	Earnest Winston	Ferrell, Hunter	Distribution Center Incentive Bonus	\$906.88		
	Miguel Ross	Ferrell, Hunter	Distribution Center Incentive Bonus	\$1,022.00		

# Diversity Equity and Inclusion Office

- **Programming** (*OneVA Goal #4, Infrastructure and Accountability, Objective #1, Develop agency wide communications plan*)
  - FY24 Focus of DEIO: Accessibility
    - ADA 101 Foundational training, the Interactive Process, Ableism, and Accessibility in the workplace decks have been edited and ready for pilot.
    - Trainings will be vetted by HR, Legal, and DEI Council learning subcommittee before delivery to Authority; Scheduling will begin for pilot series in February 2024.
  - Completed October, November, and December programming schedule. Sample of Activities:
    - Employee Resource Group (ERG) have wrapped up a successful quarter of planning.
    - All ERGs have completed at least one service event and two community meetings.
    - ERGs have set their calendars for their 2024 planning meetings for January.
  - Observances and Celebrations Committee bringing together multiple divisions (Communications, DEI, Digital & Web, Engagement, Executive Administration, Marketing, Retail, and Talent Acquisitions) to plan, coordinate, and align activities and messaging for future affinity months.
    - OCC has held a sponsored event for every month since its creation.
    - OCC now has representation from every ERG on the committee for planning purposes and communication.
    - Observances and Celebration communications has increased based on a more efficient system to vet and edit content. Our communications and HR representatives have been essential in ensuring we have content every month.
    - Calendar is now updated by the committee in real time on an as-needed basis thanks to shareable access.
- **DEI Training** (*OneVA Goal #3, Training and Education, Objective #1, Provide DEI Training Opportunities for all ABC Employees*)
  - “Introduction to Unconscious Bias” pilot training conducted October 31, 2023 (20 participants)
  - “Introduction to Allyship” pilot training conducted on November 7, 2023 (17 participants)
  - “The Why of DEI” pilot training scheduled for November 28, 2023 (25 participants)



# Diversity Equity and Inclusion Office

- **DEI Council** (*OneVA Goal #2, Climate & Intergroup Relations, Objective #2, Create opportunities for employees to feel valued and respected and have a platform for feedback*)
  - DEI Council Subcommittee meetings held this quarter for the following:
    - Best Practices
    - Employee Learning
    - Employee development
  - Mission statements and expectations have been crafted for each group.
  - DEI Council Subcommittee have set their committee priorities for the upcoming fiscal year.
- **ERG Program** (*OneVA Goal #2, Climate & Intergroup Relations, Objective #2, Create opportunities for employees to feel valued and respected and have a platform for feedback*)
  - Black Employees Resource Group has completed its programming calendar for this quarter and delivered on five successful programs. Planning meeting set for January 2024.
  - Veterans ERG Purple Bag Event in conjunction with Crown Royal was a success! Filled over 500 bags for deployed service personnel. Planning for another event with Crown Royal in the Spring to pack at least 1000 bags.
  - Family Circle ERG “Trunk or Treat” event in collaboration with the Employee Activities Committee was a success! Group will be focusing on employee health initiatives as part of their 2024 planning.
  - Women in Search of Excellence ERG has changed leadership and has successfully transitioned to a new leadership structure and hosted guest speaker Nicole Austin, General Manager and Distiller of Cascade Hollow Distilling Co. (George Dickel) on October 3, 2023. This was a collaborative effort with marketing and generated a lot of positive feedback.
  - ERG leaders have established ERG Leadership committee and meets once a quarter to discuss state of program and best practices.
- **Supplier Diversity Program** (*OneVA Goal #5, Focus Community Engagement Activities, Objective #3, Engage in diverse community events and outreach programs*)
  - Compiled data on diverse suppliers and SKUs; Based on Industry standard definition of supplier diversity.
    - DEIO will continue to work with Strategy and Analytics and marketing Divisions to look at supplier diversity data now available.
    - Benchmarking “Incubator” program currently used by some suppliers in industry. This program involves tracking and offering support to suppliers who are preparing to list or didn’t successfully make the listing process. This future program could be a vital tool in building and sustaining our supplier diversity efforts.



# Project Management Office

- **Project Progress**

- 7 Active (*Sitecore Upgrade, WOLO LA; Distillery Shipping Payment, Migrate OBIEE to OAC, 2% Pay Increase and Inventory and Order Needs Assessments*)

- **PMO Progression**

- Deployed new centralized work effort intake process to evaluate work efforts for the remainder of FY24 and FY25.
  - Received ~30 entries to date for consideration (rolling submission process)
  - Next steps include budget readiness, capacity planning and prioritization
- Provide ongoing visibility to the Authority on Divisional and cross-Divisional work efforts
- Weekly meeting with Divisions engaged with the PMO to ensure communication, awareness and prioritization of outstanding needs and requests

# Appendix - PMO






**Agency** Virginia ABC  
**Date of Review** November 2023

### 3. Major Initiatives for the Month

<b>Status</b>	
On track	
Some issues	
On-hold	

Initiative Name	What Problem is the Initiative Solving	Description of the initiative Impact	Initiative Owner	Start Date	End Date	Status
WOLO LA	<ul style="list-style-type: none"> <li>The Digital/eCommerce program is foundational for Virginia ABC to transform from a split, multi-channel retail environment to a real-time, omnichannel retail environment. This transformation not only provides Virginia ABC with increased operational efficiency and revenue opportunities, but also provides for the best possible customer experience. Currently Online Ordering and Product Data initiatives are in flight.</li> </ul>	<ul style="list-style-type: none"> <li>WOLO LA leverages the Ship-to-Store functionality to allow online ordering of Limited Availability (LA) products. This will resolve equity issues, address public safety concerns, and increase efficiency. These products are currently available in-store only. With implementation of this project, the Lottery and Online Drops process becomes a web-based solution, enhanced automation and tighter management controls.</li> </ul>	<ul style="list-style-type: none"> <li>Vida Williams</li> </ul>	<ul style="list-style-type: none"> <li>01/01/2022</li> </ul>	<ul style="list-style-type: none"> <li>3/30/2024</li> </ul>	



# CLEO Report – Chief Tom Kirby



# Underage Buyer 2023 Results

Calendar Year: 2023	ALCOHOL		TOBACCO	
	3 <sup>rd</sup> Cycle (Ending: 12/15/23)	Calendar Year To Date	DBHDS Grant	DBHDS Supplemental
As of 12/19/2023				
Scheduled	1112	3325	820	1028
No sale	886	2538	659	778
Sale	110	400	97	172
Not completed	116	387	64	78
ABC Store: no sale	144	407		
ABC Store: sale	6	14		
Remaining	0	0	0	0
Compliance rate	89.0%	86.4%	87.2%	81.9%

- Scheduled Alcohol (YTD) includes a total 117 complaint-based checks, received, and completed.
- ABC store results are subset of total results. ABC Store results include distillery stores.
- Not completed includes temporary/seasonal closed, unsafe, UAB known to clerk, etc. and are not considered in establishing the compliance rate because the check was not completed.



# Retail Report – Chief Mark Dunham



# Retail Operations Update

Retail Sales Summary

Out of Stocks

Distribution Center

Marketing

Real Estate



# Retail Sales Summary

## Weekly cumulative sales and bottles sold as of December 9th

Sales totaling \$645,112,545 are up \$4,680,297 or 1.0% when compared to last year. Total sales are \$22,446,212 or 3.4% below the \$667,558,757 target. The weekly cumulative comparison includes 161 sales days this year to 162 last year (1 additional Friday last year (avg. sales \$6.3M)). There are currently 400 stores open this year, there were 398 stores open last year. One new store opened in FY2024 – store 528 in Lee County opened on November 16, 2023. Four new stores opened in FY2023, 521 in Grayson opened on September 24, 2022; 522 in Winchester opened October 26, 2022; 524 in Roanoke opened January 24, 2023; and 523 in Fairfax opened February 26, 2023.

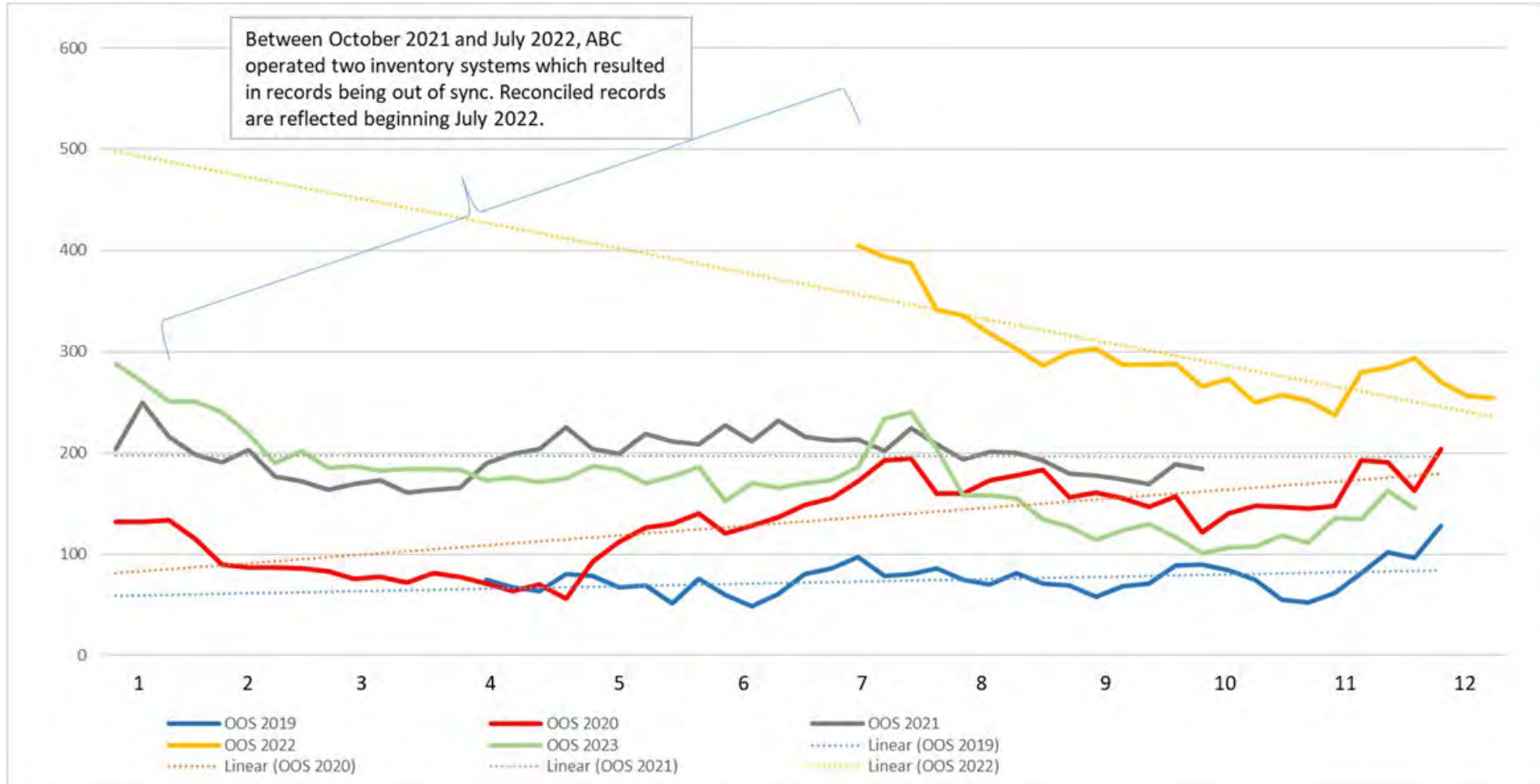
## To date bottles sold

Total number of bottles sold increased 4.7%, retail bottles sold increased 5.2%. Mixed beverage licensee bottles sold increased 0.8%. Mixed beverage licensee dollars are 17.6% of total sales, up from last year with 17.1% of total sales.



# Distribution Center Out of Stocks

In stock goal is 97%. We have 94.06% of standard items in stock in the distribution center. Currently, we have 145 standard products out of stock compared to 163 last week.



# Retail Store Out of Stocks

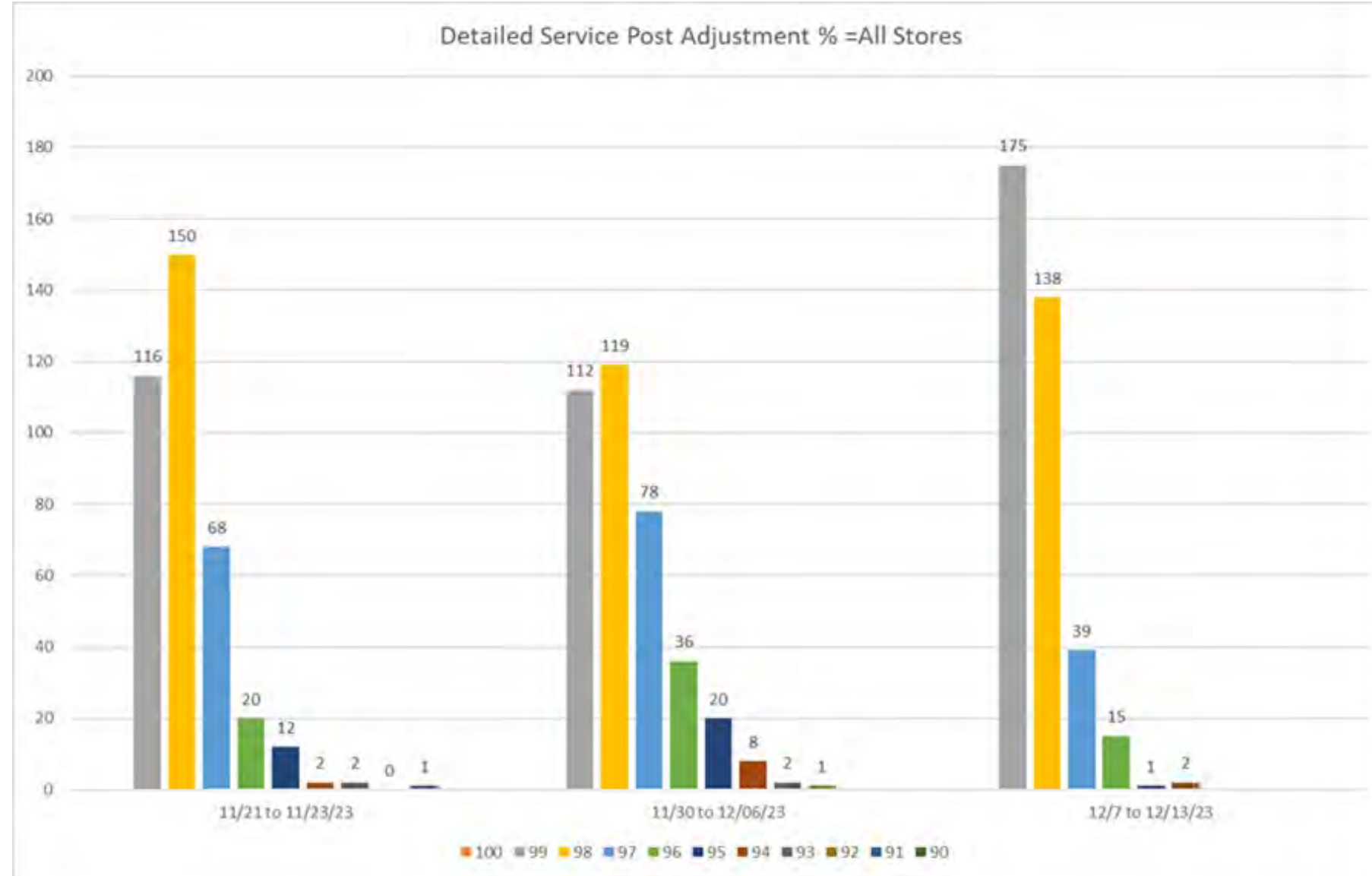
Retail Store In-stock – December 63 stores below 97% compared to 114 in November.





# Retail Store Out of Stocks

Retail Store In-stock goal is 97%. The chart shows the same in-stock percentage for stores with DC out of stocks removed. We currently have 18 stores below 97% in stock.



# Distribution Center

Average cases shipped daily in November was 32,331 with a peak day of 38,008.

Month	2022 Cases Shipped Daily Avg.	2022 Peak Day	2023 Cases Shipped Daily Average	2023 Peak Day	2022 CPLH	2023 CPLH
Jan	24,534	34,621	23,360	29,165	22.85	31.77
Feb	24,740	31,489	24,819	30,387	28.38	33.79
Mar	28,764	36,556	25,467	34,131	32.67	32.73
Apr	25,538	30,011	25,472	31,431	28.23	36.35
May	24,974	30,753	25,296	29,765	27.72	35.10
Jun	25,090	36,093	27,861	36,052	28.31	38.20
Jul	25,292	34,323	26,530	36,236	26.96	35.12
Aug	23,377	30,802	24,141	26,585	25.99	35.22
Sep	25,149	30,623	26,045	33,352	27.12	37.24
Oct	25,903	31,400	27,740	27,233	30.47	37.08
Nov	26,914	32,698	32,331	38,008	32.38	41.84
Dec	28,490	37,347			35.74	
Average YTD	25,730	33,060	26,278	32,031	28.90	35.86

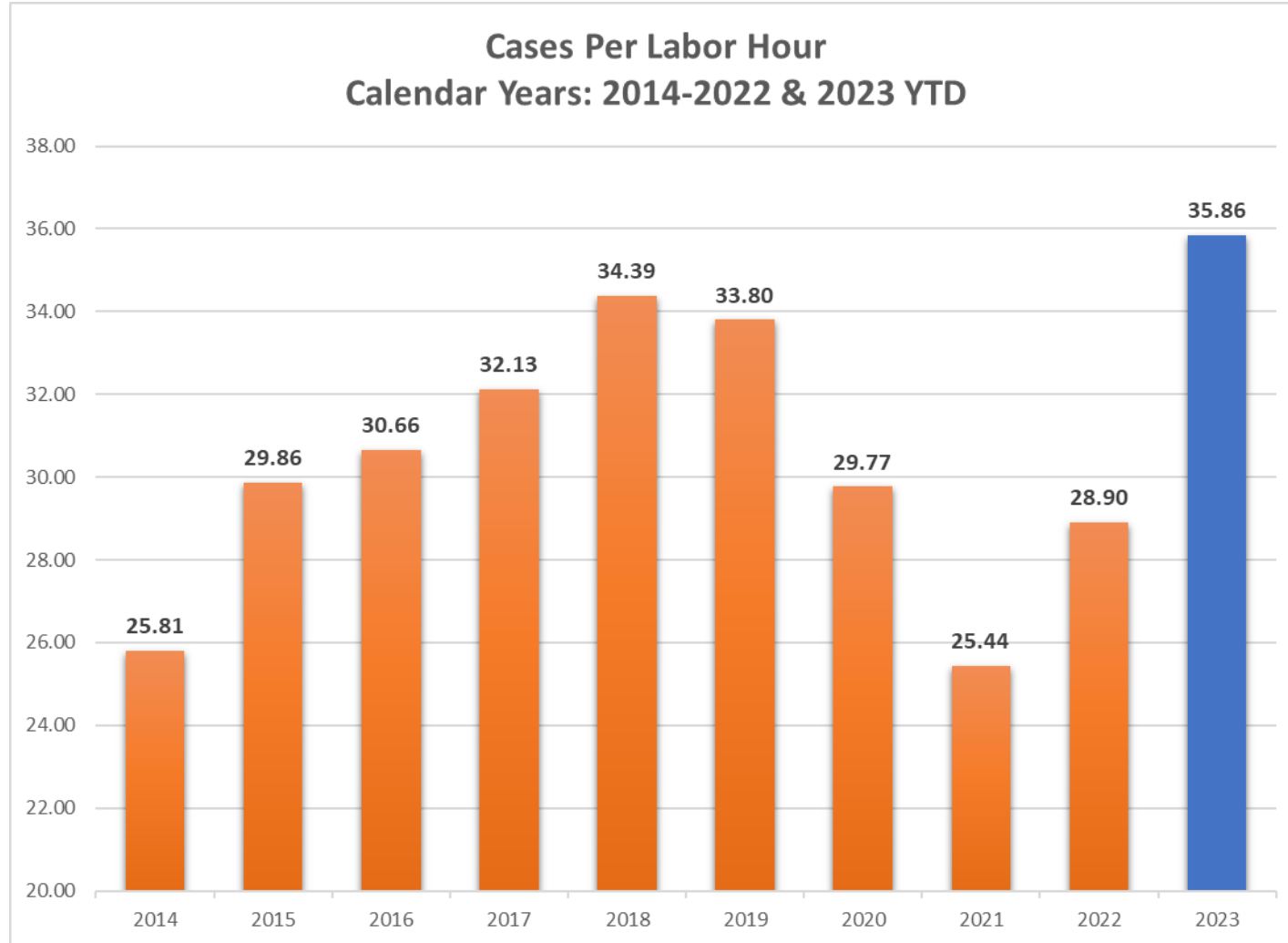
## Distribution Center Productivity: Cases per Labor Hour YTD

Jan – 31.77	July – 35.12
Feb – 33.79	August – 35.22
Mar – 32.73	September – 37.24
Apr – 36.35	October – 37.08
May – 35.10	November – 35.86
June – 38.20	

Calendar YTD through 11/30:  
Shipped 5,926,033 cases against a forecast of 5,982,490.



# Distribution Center



- 2018 Hermitage RD productivity peaked
- 2019 two key teammates were pulled out of the warehouse for the Freight Way DC project
- 2020 COVID / social distancing guidelines decreased productivity
- 2021 April split staff between two facilities
- 2022 Team WOW DC stabilization project implemented



# Marketing Update

## Halloweekend Doorbuster Sale – Oct. 26 - 29

Doorbuster 4-day sale around the Halloween weekend featuring top-selling 1.75L products across categories

Overall sales on promotion products increased **\$1,142,735** or **159.7%** versus 2022 sales.

Total results quoted above include both in-store and online sales.

- Jack Daniel's, Maker's Mark, Woodford Reserve and Grey Goose led in total revenue sales (making up 45% of the total revenue).
- Purchases made *with* a promotional product as part of the basket ring averaged \$89.93. While purchases made *without* a promotional product as part of the basket ring was \$31.56 (an 185% increase overall). Tito's, Pinnacle and Absolut Lime were the top non-promotional items purchased with a promotional item.



Halloweekend Doorbuster Totals - Oct. 26 - 29				
Product	2023 Dollars	2022 Dollars	2023 Dollar Increase	2023 % Dollar Increase
Bombay Sapphire Gin	\$ 78,871	\$ 20,346	\$ 58,524	287.6%
Bulleit Rye Whiskey	\$ 59,124	\$ 15,250	\$ 43,875	287.7%
Chivas Regal 12 Year Scotch	\$ 23,521	\$ 7,635	\$ 15,886	208.1%
Ciroc Vodka	\$ 32,585	\$ 7,739	\$ 24,847	321.1%
Crown Royal Black Whisky	\$ 40,407	\$ 8,508	\$ 31,899	374.9%
El Jimador Silver Tequila	\$ 25,097	\$ 3,519	\$ 21,578	613.2%
Elijah Craig Small Batch Bourbon	\$ 113,767	\$ 23,816	\$ 89,951	377.7%
Fireball Cinnamon Whisky*	\$ 46,790	\$ 57,576	\$ (10,786)	-18.7%
Fireball Cinnamon Whisky (plastic)*	\$ 38,600	\$ 49,583	\$ (10,982)	-22.1%
Gosling's Black Seal Rum	\$ 9,357	\$ 3,671	\$ 5,686	154.9%
Grey Goose Vodka	\$ 180,155	\$ 52,240	\$ 127,915	244.9%
Hennessy VS	\$ 164,024	\$ 48,730	\$ 115,295	236.6%
Jack Daniel's Old No. 7 Tennessee Whiskey	\$ 232,764	\$ 137,319	\$ 95,445	69.5%
Jagermeister	\$ 43,349	\$ 19,211	\$ 24,138	125.7%
Johnnie Walker Black Scotch	\$ 88,530	\$ 27,197	\$ 61,334	225.5%
Kraken Black Spiced Rum	\$ 25,892	\$ 11,575	\$ 14,316	123.7%
Maker's Mark Bourbon	\$ 221,300	\$ 101,168	\$ 120,132	118.7%
Milagro Silver	\$ 44,243	\$ 4,094	\$ 40,149	980.6%
Patron Silver Tequila	\$ 158,321	\$ 64,884	\$ 93,437	144.0%
Sauza Hornitos Tequila Reposado	\$ 38,464	\$ 10,578	\$ 27,886	263.6%
Woodford Reserve Bourbon	\$ 193,171	\$ 40,962	\$ 152,209	371.6%
<b>TOTAL</b>	<b>\$ 1,858,335</b>	<b>\$ 715,599</b>	<b>\$ 1,142,735</b>	<b>159.7%</b>

\* Denotes items that were also on 2022's Halloweekend Doorbuster

TOTAL SALES 2023 vs 2022				
	2023 Halloween Doorbuster Sale	2022 Halloween Doorbuster Sale	\$\$\$ DIFFERENCE	YOY % INCREASE
Total Products in the Campaign	21	13		
Campaign Product Total \$	\$1,858,334.66	\$1,581,301.70	\$277,032.96	17.52%
All Other Products Total \$	\$18,392,587.97	\$17,995,080.55	\$397,507.42	2.21%
Thurs-Sun Grand Total \$	\$20,250,922.63	\$19,576,382.25	\$674,540.38	3.45%

# Marketing Update

## Willett Barrel Release - December 2

A select number of Willett barrel products were released for sale on December 2

A total of \$657,989 in revenue was generated from the release with an overall sell through rate of 95%.

- This was the first ever Willett Barrel Release event.

Willett Barrel Sales Results - December 2 - 6				
Product	Bottles Available For Sale	Total Bottles Sold 12.02 - 12.06	% Sell Through of Bottles Available For Sale	Total Sales
Willett Pot Still Reserve Straight Bourbon	477	465	97%	\$ 56,833.22
Kentucky Vintage Straight Bourbon	547	499	91%	\$ 24,049.83
Noahs Mill Straight Bourbon	1,337	1,288	96%	\$ 97,983.69
Old Bardstown Straight Bourbon	1,718	1,508	88%	\$ 46,308.16
Pure Kentucky X. O. Straight Bourbon	554	519	94%	\$ 28,271.64
Rowans Creek Straight Bourbon	2,078	1,978	95%	\$ 116,308.35
Willett Pot Still Reserve Straight Bourbon	3,073	3,054	99%	\$ 190,711.73
Willett Family Estate 4 Yr Rye Whiskey	1,300	1,273	98%	\$ 97,523.30
<b>TOTAL</b>	<b>11,084</b>	<b>10,584</b>	<b>95%</b>	<b>\$ 657,989.92</b>



# Marketing Update

## Barrel Release - December 9

A select number of barrel products were released for sale on December 9

A total of \$1,039,268 in revenue was generated from the release with an overall sell through rate of 64%.

- These were specialty barrels obtained by working with suppliers.

Barrel Release Sale - December 9 -10					
Product Name	Retail Price	Bottles Available For Sale	Total Bottles Sold 12.9 - 12.10	% Sell Through of Bottles Available For Sale	Total Sales
Four Roses Private Selection Barrel Strength	99.99	1,455	1,445	99%	\$ 144,486
Russells Reserve Sgl Barrel Bourbon- VA Abc Select	65.99	1,372	1,276	93%	\$ 84,203
Old Forester Single Barrel Barrel Proof	84.99	954	775	81%	\$ 65,867
Ezra Brooks Bourbon Cask Strength Barrel Coll	54.99	1,174	905	77%	\$ 49,766
Old Elk Sour Mash Single Barrel	99.99	511	389	76%	\$ 38,896
Heaven's Door Cask Strength Single Barrel Bourbon	69.99	1,931	1,438	74%	\$ 100,646
Remus Single Barrel Bourbon Collection	64.99	1,304	957	73%	\$ 62,195
Rabbit Hole Cavehill Private Barrel Bourbon	149.99	423	304	72%	\$ 45,597
Old Elk 7 Yr Straight Wheated Bourbon Barrel	94.99	382	274	72%	\$ 26,027
Rebel Bourbon Cask Strength Barrel Collection	59.99	1,673	1,141	68%	\$ 68,449
Whistlepig Piggyback Rye Single Barrel	59.99	384	251	65%	\$ 15,057
Knob Creek Single Barrel Select Rye	59.99	806	494	61%	\$ 29,635
Whistlepig 15 Yr Old Estate Oak Rye Single Barrel	299.99	258	155	60%	\$ 46,498
Journeyman Featherbone Bourbon Single Cask	69.99	155	91	59%	\$ 6,369
Old Elk 7 Yr Straight Wheat Whiskey Single Barrel	79.99	172	98	57%	\$ 7,839
Old Elk 8 Yr Straight Bourbon Single Barrel	79.99	553	258	47%	\$ 20,637
Whistlepig 10 Year Single Barrel Rye	99.99	1,473	663	45%	\$ 66,293
Stranahan's Single Barrel Cask	64.99	2,778	1,155	42%	\$ 75,063
Sagamore Spirit Barrel Select Straight Rye Whiskey	69.99	765	305	40%	\$ 21,347
Whistlepig 12 Year Bespoke Rye Blend Barrel	174.99	1,483	368	25%	\$ 64,396
<b>TOTAL</b>		<b>20,006</b>	<b>12,742</b>	<b>64%</b>	<b>\$1,039,269</b>



# Marketing Update

## Flash Sale – October 30 (Vodka)

One-day sale featuring 20% off all Vodka products priced \$29.99 or more.

For the event day, sales of the same products increased \$38,172 or 31% and bottle sales were up 1,901 or 58% versus a year ago for the same products & day.

This sale was only available in-store (used to drive traffic to the stores).

- This promotion was designed to increase sales and drive traffic to the stores. The sale was not announced until the morning of the sale. ABC absorbed the 20% discount.
- For the week, the total revenue for the same products outpaced 2022 by \$75,833 and 2,096 bottles.
- For the Flash Sale event day, purchases made *with* a promotional product as part of the basket ring averaged \$63.34. While purchases made *without* a promotional product as part of the basket ring was \$25.76 (a 246% increase overall).

Flash Sale (Vodka) - October 30, 2023 - Week by Day Comparison				
Week Comparison	Oct/Nov 2023 Dollars	Oct/Nov 2022 Dollars	Dollar Increase	% Dollar Increase
10/30 - Monday (Flash Sale)	\$ 162,609	\$ 124,437	\$ 38,172	31%
10/31 - Tuesday	\$ 146,592	\$ 114,575	\$ 32,017	28%
11/1 - Wednesday	\$ 136,793	\$ 133,981	\$ 2,812	2%
11/2 - Thursday	\$ 183,766	\$ 200,130	\$ (16,364)	-8%
11/3 - Friday	\$ 306,496	\$ 294,732	\$ 11,763	4%
11/4 - Saturday	\$ 241,020	\$ 243,308	\$ (2,288)	-1%
11/5 - Sunday	\$ 101,085	\$ 91,365	\$ 9,721	11%
<b>TOTAL</b>	<b>\$ 1,278,361</b>	<b>\$ 1,202,528</b>	<b>\$ 75,833</b>	<b>6%</b>



# Marketing Update

## Flash Sale – November 8 (American Whiskey)

One-day sale featuring 20% off all American Whiskey products priced \$39.99 or more.

For the event day, sales of the same products increased \$341,542 or 120% and bottle sales were up 8,622 or 159% versus a year ago for the same products & day.

This sale was only available in-store (used to drive traffic to the stores).

- This promotion was designed to increase sales and drive traffic to the stores. The sale was not announced until the morning of the sale. ABC absorbed the 20% discount.
- For the week, the total revenue for the same products outpaced 2022 by \$238,808 and 7,146 bottles.
- For the Flash Sale event day, purchases made *with* a promotional product as part of the basket ring averaged \$87.15. While purchases made *without* a promotional product as part of the basket ring was \$25.11 (a 347% increase overall).

Flash Sale (American Whiskey) - November 8, 2023 - Week by Day Comparison				
Week Comparison	November 2023 Dollars	November 2022 Dollars	Dollar Increase	% Dollar Increase
11/8 - Wednesday (Flash Sale)	\$ 627,274	\$ 285,732	\$ 341,542	120%
11/9 - Thursday	\$ 419,909	\$ 464,348	\$ (44,439)	-10%
11/10 - Friday	\$ 601,173	\$ 530,305	\$ 70,867	13%
11/10 - Saturday	\$ 416,358	\$ 413,327	\$ 3,031	1%
11/12 - Sunday	\$ 157,591	\$ 163,394	\$ (5,803)	-4%
11/13 - Monday	\$ 217,127	\$ 214,622	\$ 2,505	1%
11/14 - Tuesday	\$ 284,987	\$ 413,882	\$ (128,895)	-31%
<b>TOTALS</b>	<b>\$ 2,724,418</b>	<b>\$ 2,485,610</b>	<b>\$ 238,808</b>	<b>10%</b>





# Marketing Update

## Flash Sale – November 15 (Gin & Rum)

One-day sale featuring 20% off all Gin & Rum products priced \$29.99 or more.

For the event day, sales of the same products increased \$115,010 or 126% and bottle sales were up 3,991 or 169% versus a year ago for the same products & day.

This sale was only available in-store (used to drive traffic to the stores).

- This promotion was designed to increase sales and drive traffic to the stores. The sale was not announced until the morning of the sale. ABC absorbed the 20% discount.
- For the week, the total revenue for the same products outpaced 2022 by \$178,194 and 5,491 bottles.
- For the Flash Sale event day, purchases made *with* a promotional product as part of the basket ring averaged \$77.37. While purchases made *without* a promotional product as part of the basket ring was \$32.28 (a 240% increase overall).

Flash Sale (Gin & Rum) - November 15, 2023 - Week by Day Comparison				
Week Comparison	November 2023 Dollars	November 2022 Dollars	Dollar Increase	% Dollar Increase
11/15 - Wednesday (Flash Sale)	\$ 206,058	\$ 91,048	\$ 115,010	126%
11/16 - Thursday	\$ 138,407	\$ 131,833	\$ 6,574	5%
11/17 - Friday	\$ 201,871	\$ 196,347	\$ 5,524	3%
11/18 - Saturday	\$ 193,294	\$ 171,905	\$ 21,388	12%
11/19 - Sunday	\$ 82,924	\$ 78,480	\$ 4,445	6%
11/20 - Monday	\$ 131,647	\$ 114,304	\$ 17,343	15%
11/21 - Tuesday	\$ 184,242	\$ 176,332	\$ 7,910	4%
<b>TOTALS</b>	<b>\$ 1,138,443</b>	<b>\$ 960,249</b>	<b>\$ 178,194</b>	<b>19%</b>



# Marketing Update

## Buffalo Trace 50mL's – November 21 - present

Working with Sazerac, we were able to obtain Buffalo Trace and Buffalo Trace Cream 50mL products. They started selling in stores on November 21.

So far, a total of \$606,544 in revenue has been generated from the Buffalo Trace and Buffalo Trace Cream 50mL sales.

- This was the first time Virginia ABC has offered Buffalo Trace 50mL products.

Buffalo Trace & Buffalo Trace Cream 50mL Sales			
Product	Starting Number	Bottles Sold thru 12/18	Total Retail Dollars
Buffalo Trace Bourbon	120,000	119,979	\$ 478,041
Buffalo Trace Bourbon Cream Liqueur	141,120	43,074	\$ 128,504
<b>TOTAL</b>	<b>261,120</b>	<b>163,053</b>	<b>\$ 606,544</b>



# Marketing Plans

## Planned Activity – Rolling 90 Days

	THEME	PODs	FRONT COUNTER	SPIRITED THURSDAY & TWO-DAY SALES	IN-STORE DISPLAYS	LOTTERIES & BARREL PICKS
<b>JANUARY</b>	Cozy Cocktails	Cozy Cocktails - Cinnamon Apple Smash - Hot Gin Old Fashioned - Lemon Hot Toddy - Sweater Weather	Tequila Hot Chocolate - Patron Silver Tequila, Patron Tequila Reposado & Patron Tequila Anejo	Spirited Thursday Angel's Envy Port Barrel, Bombay Sapphire, Casamigos Anejo, Deep Eddy Lemon, Frangelico, Jack Daniel's Honey, Milagro Silver, Old Forester, Patron Anejo & The Glenlivet 12 Year Single Malt	Angel's Envy Captain Morgan Crown Royal Dewar's 12 Glenlivet Old Forester Patron Smirnoff Remy Martin VSOP Tanqueray Teeling	N/A
<b>FEBRUARY</b>	Cozy Cocktails	Cozy Cocktails - Cinnamon Apple Smash - Hot Gin Old Fashioned - Lemon Hot Toddy - Sweater Weather	Toasted Almond - Kahlua Coffee Liqueur & Disaronno Amaretto	Valentine's Day (Two-Day Sale - tentative products) Absolut Grapefruit, Baileys, Baileys – Strawberries & Cream, Ciroc Red Berry Vodka, Codice 1530 Tequila Rosa, Di Amore Amaretto, Four Roses Small Batch, Johnnie Walker Red, Mary Hite Bowman Caramel Cream, Mozart White Chocolate Vanilla Cream, New Amsterdam Pink Whitney, Ole Smokey White Chocolate Cream, Selvarey Chocolate Rum, Svedka Strawberry Lemonade Vodka & Tequila Rose	Casamigos Ciroc Crown Royal D'USSE Four Roses Grey Goose Hennessy VS Maker's Mark	Dates TBD Products including selections from: Van Winkle, BTAC, Blantons, Old Forester, Weller, E. H. Taylor and Actor and Musician Signed Bottles
<b>MARCH</b>	Spring Forward	Spring Forward - Garden Gimlet - Spring Transfusion - Garden Delight - Spring Ahead	Rum Daisy - Bacardi Superior Rum, Keep It Simple Syrup Lemon Zest and Rose's Grenadine	St. Patrick's Day (Two-Day Sale - tentative products) Baileys, Bushmills, Drumshanbo Gunpowder Gin, Green Spot, Jameson, Jameson Orange, Johnnie Walker Green, Paddy's Old Irish Whiskey, Proper No. Twelve, Redbreast 12 Year, Sexton, The Dead Rabbit, The Irishman Single Malt, Tullamore D.E.W. and Writer's Tears Copper Pot	1800 Bacardi Baileys Evan Williams Jack Daniel's Jameson Jose Cuervo New Amsterdam Tito's	Dates TBD Products including selections from: Van Winkle, BTAC, Blantons, Old Forester, Weller, E. H. Taylor and Actor and Musician Signed Bottles



# CIO Report – Paul Williams

IT Monthly Summary

IT KPIs (Work in Progress)

IT Support Summary





# IT MONTHLY REPORT

202405 Report (November 2023)



# IT Monthly Summary

## Introduction

Budget - we are 7.4% under budget YTD (was 7.8% last month). Operationally (excluding finance managed entries) we would be 19% under budget but the effects of GASB accounting for SaaS contracts last year and this year are skewing IT performance numbers.

Our project planned hours continue to fall under target (Actual 93% of target – an improvement over 90% last month). The mix of projects is also having an impact on Budget – small projects are not capitalized so we are \$262K adverse to capitalization budget for Contract and Employee in total. We do not believe this will improve to the year end and anticipate \$450K adverse to budget for Capitalization at year end.

We have identified a weakness in the lottery infrastructure email delivery. Although this did not cause issues in the first few lotteries, it did impact the lottery in December and we will pause lotteries until the issue is remediated.

## IT Performance

Most IT systems have remained stable through November – Specifically VAL has been significantly more stable.

A BAR failure at Oracle blocked user logins, random access requests over several days were denied (timed out). This was remediated by Oracle after approximately 3 days of poor access capability.

The Location configuration of the new Store in Jonesville (400<sup>th</sup> store) was not completed correctly and led to a delay in sales audit data loads. This was caught upon without issue once the configuration was corrected.

Lottery customer inquiries continue to be a significant workload on the helpdesk – large uptick from issues was also seen in December due to the email issue.

## People

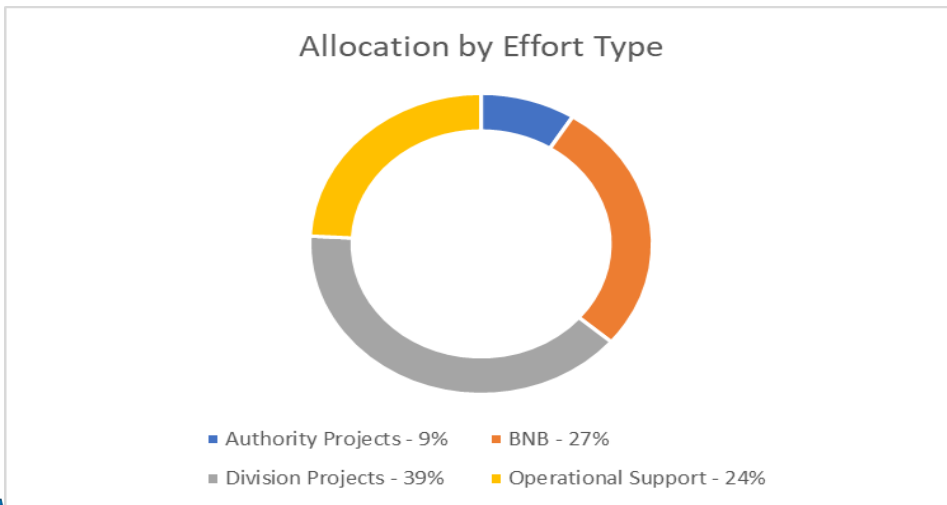
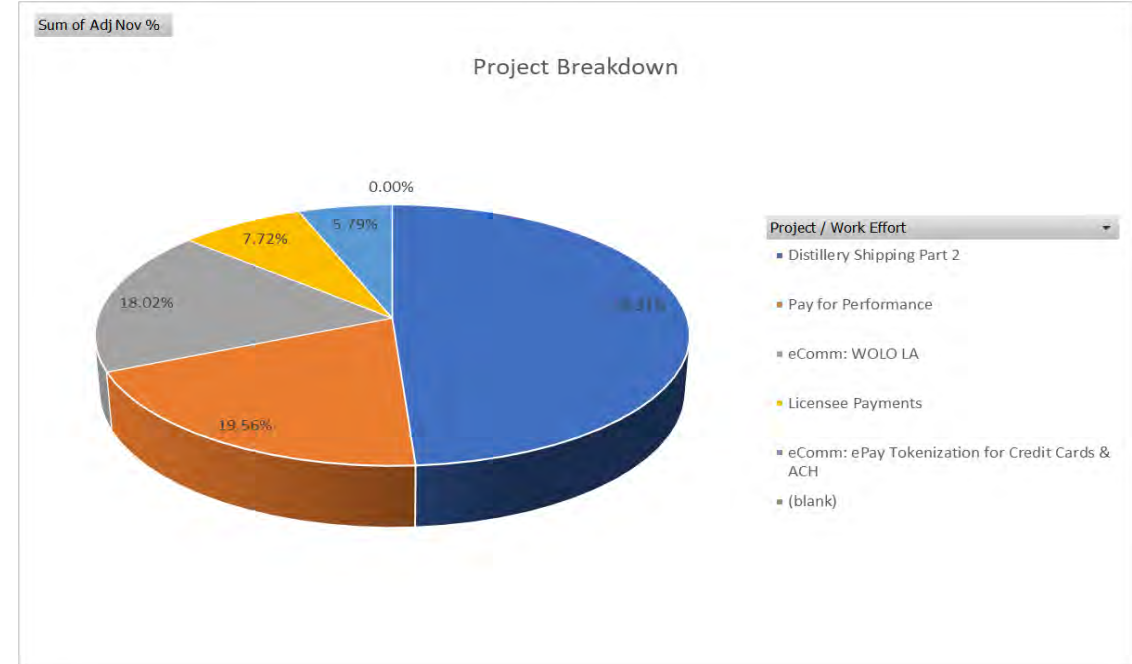
Staffing is stable and we have improved the vacancy rate to 8% (from 9%). We converted one contractor to MEL (will not backfill the contractor) and churned one wage employee in support.

Budget vacancy rate target for the year is 8%. Recruiting remains challenging for key positions, but the job market appears to be deteriorating for more senior IT roles.



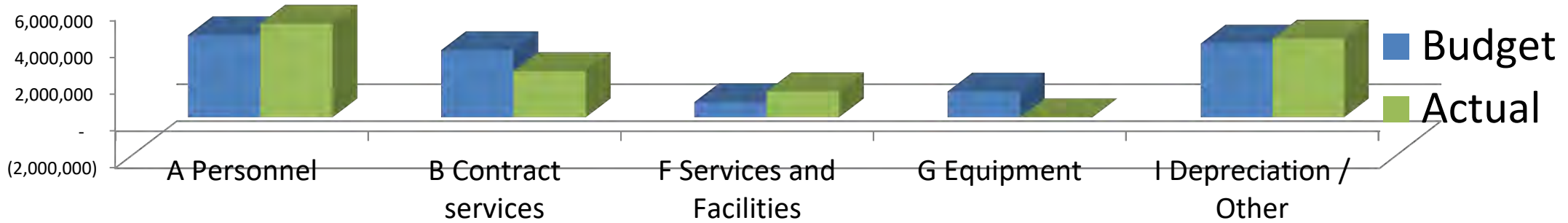
Allocation Hours KPI: 2666      November Hours: 2,485      % to Target: 93% 

Staff Type	Base Capacity	Actual Capacity	Authority Projects	BnB	Division Projects	Operational Support
BSA	14	8.8	1.1	3.8	2.7	1.1
Dev	15	11.2	0.7	2.9	6.9	0.8
Data	10	5.2	0	0	0.3	4.8
QA	13	9.4	1.2	2.8	3.7	1.6
<b>Total</b>	<b>52</b>	<b>38.6</b>	<b>3.1</b>	<b>9.5</b>	<b>13.7</b>	<b>9.3</b>



# IT Finance / Budget

## YTD IT Budget Performance



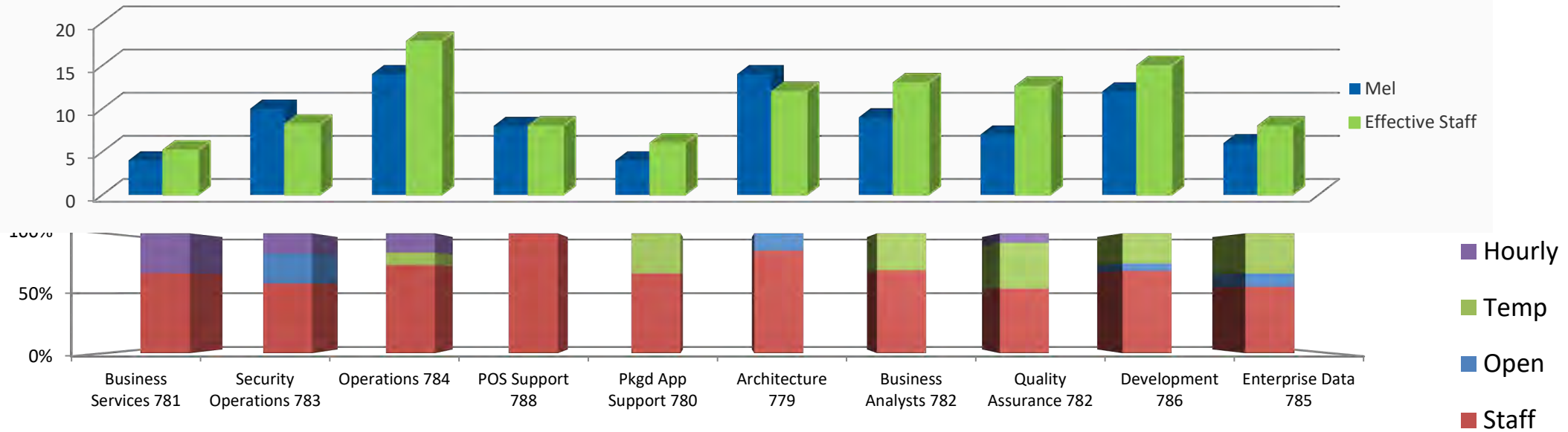
- At November 30 we are 7.4% under budget overall (October was 7.8% under budget). This is significantly below target due to delayed projects and cost control measures, and IT is operationally under budget by 19.4% or \$2.9m YTD.
- Personnel Costs – 13.9% over budget (\$620K). As we are above target for our vacancy rate this should be closer to budget except for capitalization of labor which is behind due to project delays
  - Benefits and salary / hire dates incorrectly budgeted (\$430k), Shortfall in Capitalized labor (project delays/timing \$166k), Carryover unaccrued 2023 costs (\$24k)
- GASB (Technical accounting entries) are \$1.6 Million adverse to budget YTD. These are nonoperational financial entries and budget / actual should nearly balance. A large portion is timing – GASB credits are posted when invoices are paid, costs are accrued as services are used. These entries and Capitalization show up in the IT Admin cost center
- Depreciation is \$270K over budget YTD (\$132K due to GASB, plus Capital WIP depreciation was not budgeted \$112K).
- There is also a \$35K difference between department and IT total budget (IT total is 35K less than sum of departments YTD)
- There are various entries between accounts and cost centers where accruals were reversed into different codes than actuals, distorting the ‘by department’ analysis below. We are continuing to work with finance to identify and correct these entries. The underspend in Infra and SaaS is largely timing differences

## Act vs Budget by Dept





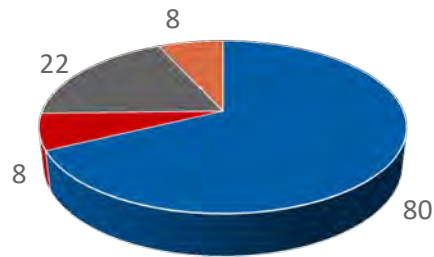
# Headcount Breakdown



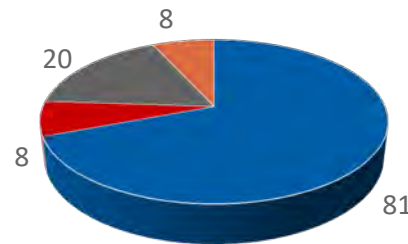
The vacancy rate at 11/30/23 is 8% - 7 open Positions (was 9% in October). The only changes was a contractor conversion for PAS (contract to MEL) and 1 wage employee turnover in support. One contractor post was incorrectly recorded as filled (and was not) last month – no other hires or exits.

We have 3 active recruitments running at the end of November (was 5 at end of October). The hiring market has slowed considerably and we are seeing a decrease in candidate volume and quality, making recruiting more difficult – although turnover is also down.

Staff Breakdown October



Staff Breakdown November



Full Time Vacant Positions (8%) Contractors Part Time

Sensitive

Full Time Vacant Positions (8%) Contractors Part Time



# IT KPI's DRAFT (Re-working KPI's for 2024 – separate Metrics from KPIs)

Measure	Indicator	Current	C-1	C-2	C-3	Comments
Staffing (MEL)	Open + Exits (8,2)	7/0	8/0	8/1	8/1	
Finance – Budget Accuracy	+/- 5% target	-7.4%	-7.8%	-10%	2%	-10% is good, but outside Tolerance
Reliability – Core	Ops hrs. uptime (99.9%)	99.9%	99.9%	99.9%	99.9%	Some Val instability but system remained 'up'
Reliability POS	Lost Hours (all registers)	9.5	7.8	0.25	8.25	
Resource Allocation	Hours Target / Alloc	93%	90%	86%	76%	New Target: 40% of available capacity for enhancements and project work.  3.3% increase over October. Factoring in the 524 hours of PTO, the allocation would have been 112.9% to target.
First contact ticket resolution	Tickets closed on 1 touch	96.97%	95.61%	96.63%	97.05%	Incidents (break/fix, customer calls/emails)
Calls accepted	Answered calls	97.55%	98.56%	97.64%	98.27%	
Average wait time	Average wait time	36 sec.	26 sec.	43 sec.	34 sec.	User phone call wait time before pickup.
Average call handle time to solve	Industry target is 15 min	4.17 min	4.45 min	4.23 min	4.35 min	
MFA Progress Sensitive data / Total	% of systems that don't have MFA	17% / 32%	17% / 32%			0% for sensitive systems. Exceptions required for non compliance. 25% of all systems

# CEO Report

Summary Suspension

Real Estate Leases

KPI's



# CEO Report – SUMMARY SUSPENSION



**COMMONWEALTH OF VIRGINIA  
ALCOHOLIC BEVERAGE CONTROL AUTHORITY  
VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD**

IN THE MATTER OF:      GHR, LLC  
                                 T/A DISTRICT 5  
                                 1911 WEST MAIN STREET  
                                 RICHMOND, VIRGINIA 23220  
                                 **SERVED VIA PERSONAL SERVICE & CERTIFIED MAIL**

LICENSE NO.:            **87396 — WINE AND BEER ON PREMISES  
87396- MIXED BEVERAGE RESTAURANT**

RMS NO.:                **23-02389**

**ORDER OF SUMMARY SUSPENSION**

Upon completion of an initial investigation commenced on Monday, November 20, 2023, and a review of all findings, pursuant to Section 4.1-225.1 of the Code of Virginia, the Virginia Alcoholic Beverage Control Board (“Board”) finds that it has reasonable cause to believe that at approximately 01:30 a.m. on November 20, 2023, an act of violence occurred at the licensed premises resulting in an individual being shot. Interviews with the licensee, witnesses, the Richmond Police Department (“RPD”) indicated that a number of individuals were patronizing the licensed premises when the shooting victim assaulted the perpetrator by punching him twice in quick succession. The perpetrator then fired a gun three times, striking the victim in the leg and abdomen.

The license for this establishment was issued on July 16, 2015. In the preceding months, there have been reports of violence associated with the establishment. Prior incidents at this establishment include at least five assaults including: a victim being struck with a bottle after a verbal altercation inside the licensed premises, two victims assaulting each other inside the front door of the establishment, a heavily intoxicated felon who was brandishing a firearm and punched a security personnel, a suspect who choked a victim to unconsciousness, and a group attack on a victim. Additionally, RPD has responded to the establishment numerous times for various incidents in which firearms were reported stolen from vehicles which were parked at the establishment.

During the inspection following the November 20, 2023 shooting incident, it was determined that the licensee failed to take reasonable efforts to ensure the safety of its patrons and the public. The licensee has hired inadequate security to address public safety and has failed to have patrons adequately scanned for weapons before entering the licensed premises.

RPD has expressed their support in Summarily Suspending the Virginia ABC licenses for this establishment.

IT IS ORDERED that any and all privileges granted by the above-referenced license, shall be suspended, effective immediately, and the suspension shall remain in effect pending the results of a formal investigation and any resulting proceedings for disciplinary review. Once the suspension has been in effect for forty-eight (48) hours, as required by Section 4.1-225.1(B), the licensee may petition the Board for a restricted license pending the results of the formal investigation and any proceedings for disciplinary review. The Board may deny the petition for a restricted license and the summary suspension shall continue until the conclusion of the disciplinary review; however, if the Board determines that a restricted license is warranted, the Board shall have discretion to impose appropriate restrictions based on facts presented.

IT IS FURTHER ORDERED that upon issuance of this Order, ABC Enforcement is directed to immediately commence a formal investigation. The formal investigation shall be completed within ten (10) days of its commencement, and the findings shall be immediately reported to the Secretary of the Board. If following the formal investigation, the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within five (5) days of the completion of the formal investigation.

IT IS FINALLY ORDERED that a special agent of the Board shall serve a true copy of this order in person and by certified mail to the licensee. The order of suspension shall take effect immediately upon service.

AS PROVIDED BY SECTIONS 4.1-225.1(A) AND 2.2-4018(4) OF THE CODE OF VIRGINIA, THIS SUMMARY ORDER OF TEMPORARY SUSPENSION IS FINAL AND IS NOT SUBJECT TO APPEAL OR JUDICIAL REVIEW.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL  
BOARD



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Deputy Secretary to the Board

November 22, 2023

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Date

# Real Estate Leases Signed<sup>95</sup>

Store Number and Location	Leased Space	Term	REC Vote	Board Approval
Store #229 (Roanoke) Valley Gateway Shopping Center 3940 Valley Gateway Boulevard Suite 2B Roanoke, Virginia 24012	2100 square feet	5 years	9-5-2023	9-15-2023
Store #209 (Fredericksburg) Four Mile Fork Shopping Center 10724 Patriot Highway Fredericksburg, Virginia 22408	4450 square feet	5 years	11-7-2023	1-9-2024
Store #064 (Stafford) Town & Country Marketplace 43 Town & Country Drive Stafford, Virginia 22405	2666	5 years	11-7-2023	1-9-2024
Store #036 (Gainesville – Prince William County) Relocation to Shops at Stonewall 7953 Stonewall Shops Square Suite 220 Gainesville, Virginia 20155	2400	10 years	8-1-2023	9-15-2023
Store #286 (Gainesville – Prince William County) Virginia Gateway Center 7555 Linton Hall Road Suite R-120 Gainesville, Virginia 20155	3520	5 years	10-3-2023	11-13-2023
Store #156 (Cape Charles – Northampton County) Cape Charles Shopping Center 22485 Lankford Highway Cape Charles, Virginia 23310	1800	5 years	11-7-2023	1-9-2024

Highlighted items have been submitted to the Interim CEO for signature; however, execution will not occur until the Board has approved the transactions.



# Authority KPIs

*Data thru November 2023*





December 27<sup>th</sup>, 2023

*Prepared By: Strategy & Analytics*





# Virginia ABC Mission: To strengthen the Commonwealth through public safety, education, and revenue derived from the responsible regulation and sale of alcoholic beverages.

-  Partner with licensees and other law enforcement agencies to limit the impacts of alcohol consumption on citizens and business
-  Provide education and prevention programs that ensure the safe consumption and sale of alcoholic beverages.
- 
-  Continue as a reliable revenue stream for the commonwealth through partnerships with Virginia distilleries, as well as the sale of a diverse range of alcoholic products.



# Store Sales and Profits: Sales growing at 2.8% CAGR, Profit at -0.5% YTD.

For the Current Month, store sales have a CAGR of 3.9%, and profits have a CAGR of 7.2%.

Virginia ABC: Store Sales and Profit Comparisons						
Nov'23						
<i>In \$M</i>	Current Month	Current Month FY'23	Current Month FY'22	Growth vs FY'23	Growth vs FY'22	CAGR
Store Sales	126.2	124.4	116.8	1.5%	8.0%	3.9%
Profits	21.7	17.9	18.9	21.2%	14.8%	7.2%

<i>In \$M</i>	Quarter to Date	Quarter to Date FY'23	Quarter to Date FY'22	Growth vs FY'23	Growth vs FY'22	CAGR
Store Sales	250.1	246.4	234.7	1.5%	6.6%	3.2%
Profits	40.8	37.7	40.1	8.2%	1.7%	0.9%

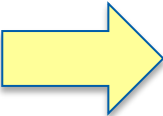
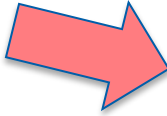

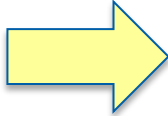
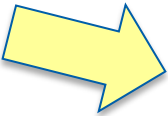
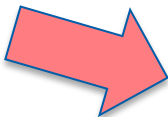
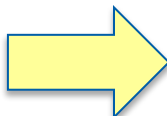

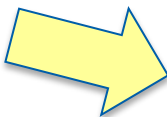
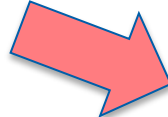
<i>In \$M</i>	FY to Date	FY'23 to Date	FY'22 to Date	Growth vs FY'23	Growth vs FY'22	CAGR
Store Sales	601.8	593.2	569.7	1.4%	5.6%	2.8%
Profits	96.5	90.2	97.4	7.0%	-0.9%	-0.5%

Source: FMS Contribution Margin Statement



# KPIs related to sales, OLO, and SWaM spending are red. Average basket ring is down YOY. Time to fill is up. All other KPIs are flat or positive.

Revenue and OLO are red due to lower customer spending. Profit is flat due to reductions in expenses. Transaction count is flat while basket ring is down. SWaM spend has been below goal each month of FY'24. Other KPIs are steady.

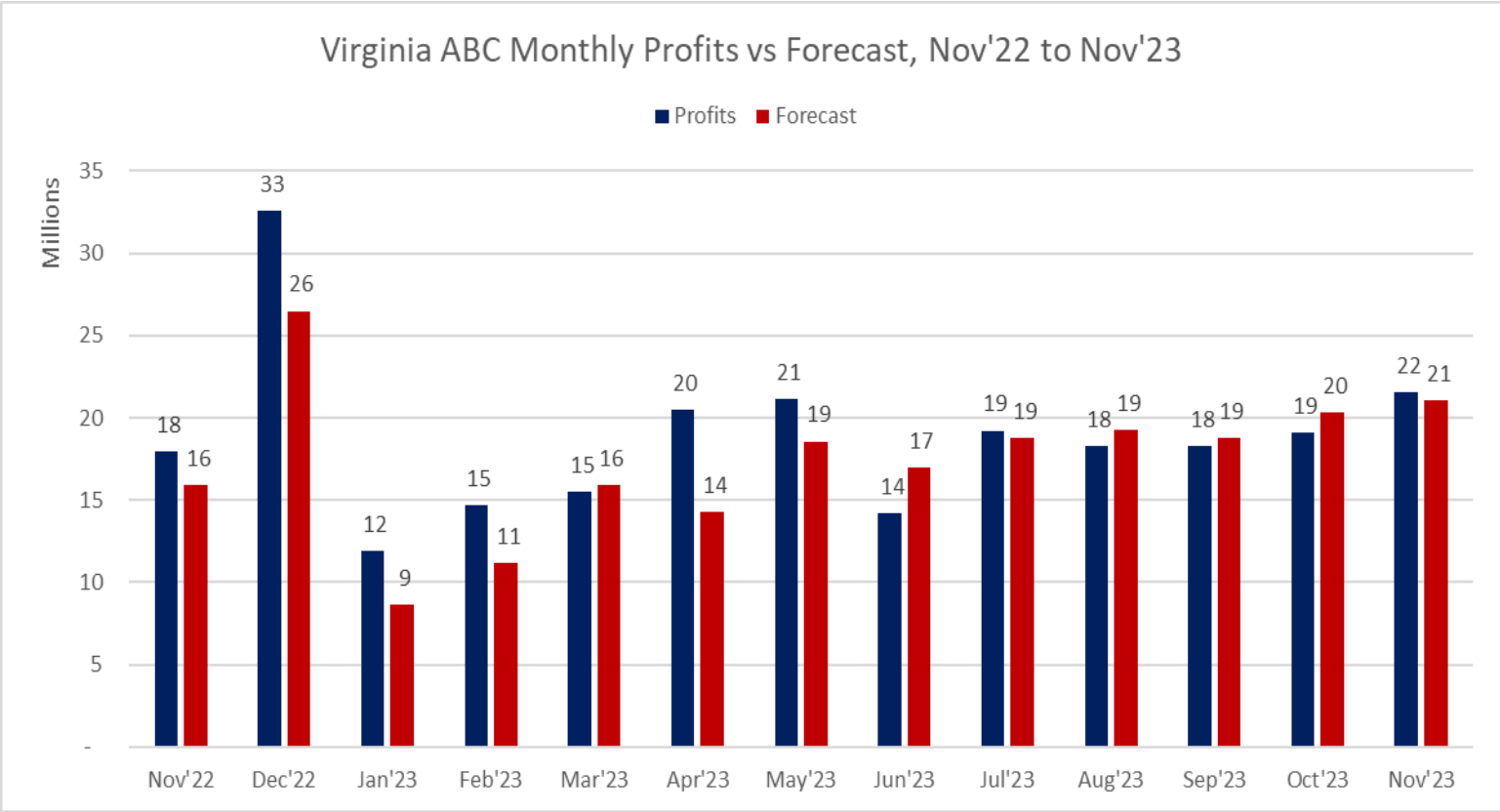
<p>Profit vs Forecast</p>  <p>Profits were \$0.6M (2.8%) above budget</p>	<p>Sales vs Forecast</p>  <p>Sales were \$5.5M (4.2%) below budget</p>	<p>Operating Costs as a % of Net Revenue</p>  <p>Operating costs were favorable to budget offsetting unfavorable revenues</p>	<p>Number of Transactions</p>  <p>Transaction counts were flat</p>	<p>Average Basket Ring</p>  <p>Average basket ring saw expected peaks around Thanksgiving, though lower than in '22</p>
<p>Number of OLO Transactions</p>  <p>Online transactions down in count and value vs. last year and previous month</p>	<p>Retail Store In-Stock Position</p>  <p>In-Stock Position remained steady, just below norm</p>	<p>Employee Turnover Rate</p>  <p>Turnover is flat for full-time and down for wage employees</p>	<p>Time to Fill</p>  <p>Time to fill increased vs. last month and last year</p>	<p>SWaM Spend</p>  <p>SWaM spend is below goal for FY'24</p>

Data thru November 2023



# Monthly Profits vs Forecast: Profits <sup>100</sup>favorable in November

Profit was favorable by \$0.6M (2.8%) for the month of November, driven primarily by lower operating costs.



Source: FMS

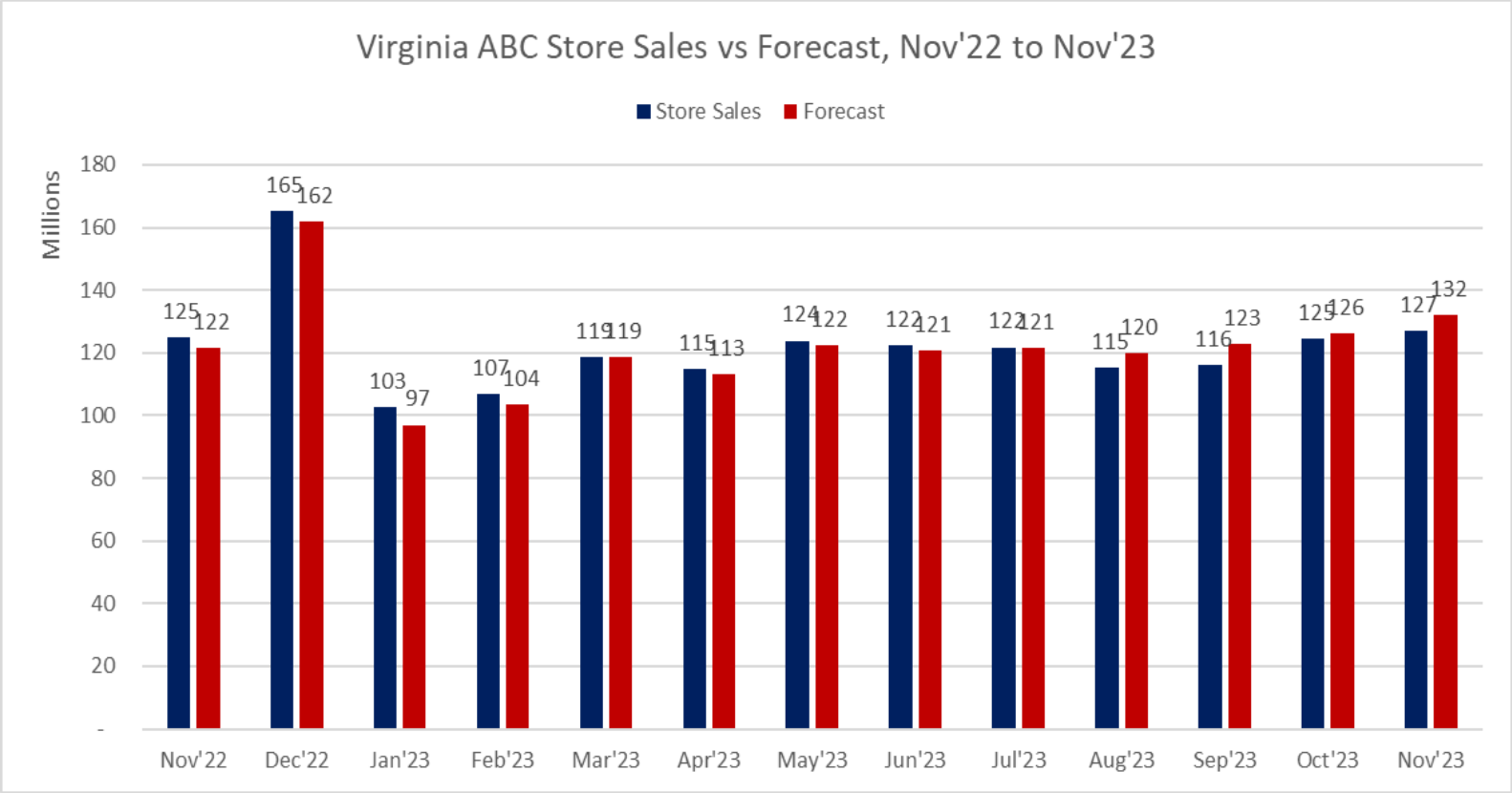
### Notes:

- November profits were above budget by \$0.6M, driven by lower operating costs.
- Negative effects of revenue on profit were more than offset by lower than budgeted computer software development costs due to reduced project activity, lower net personal services costs due to lower retail store wage hours and unfilled positions, favorable computer software rentals and favorable agency services costs following a 4-month catchup adjustment in October.



# Store Sales vs Forecast: Store sales<sup>101</sup> continue to fall below budget

Store sales for November were below budget by \$5.5M, or 4.2% below the target.



Source: FMS

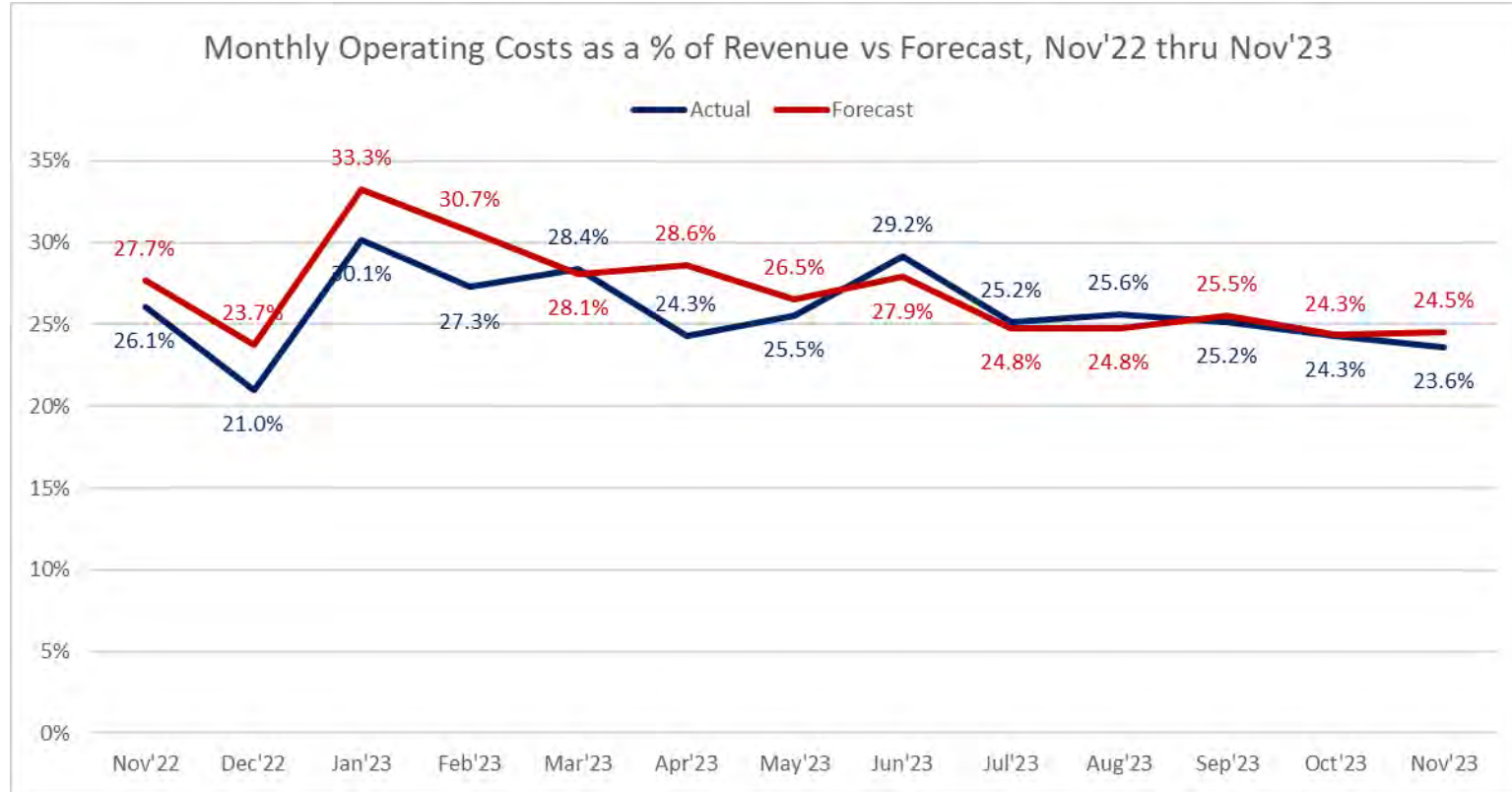
### Notes:

- Sales in November of \$126.2M were \$5.5M below budget of \$131.7M.
- Store sales fell below budget primarily due to lower spending per customer in stores and flat transaction counts.



# Operating Cost as % of Revenue: November is Favorable to budget.

Revenues were unfavorable to budget by 4.2%, but this was offset by operating costs favorable to budget by 7.3% for the month of November.



Source: FMS

## Notes:

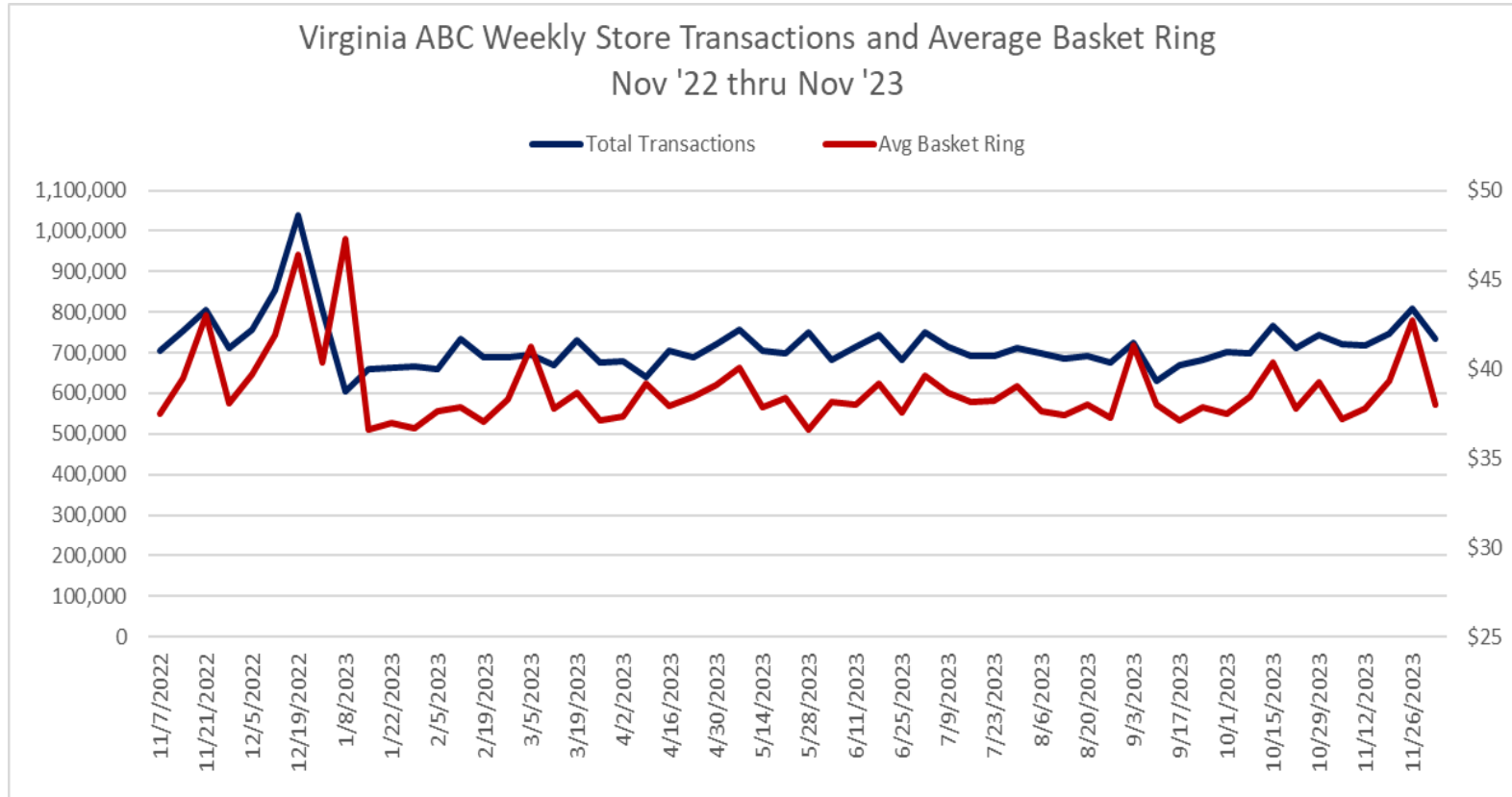
- Revenues were unfavorable to budget in November by 5.5M (4.2%) due to lower than anticipated retail sales.
- Operating costs were favorable to budget by \$2M (7.3%) primarily due to lower than budgeted computer software development costs due to reduced project activity, lower net personal services costs due to lower retail store wage hours and unfilled positions, favorable computer software rentals and favorable agency services costs following a 4-month catchup adjustment in October.



# Transaction Trends: Transaction count is as expected while spending declines.

103

Transaction counts in November were in line with seasonal patterns, while average basket value was below last November.



Source: IT

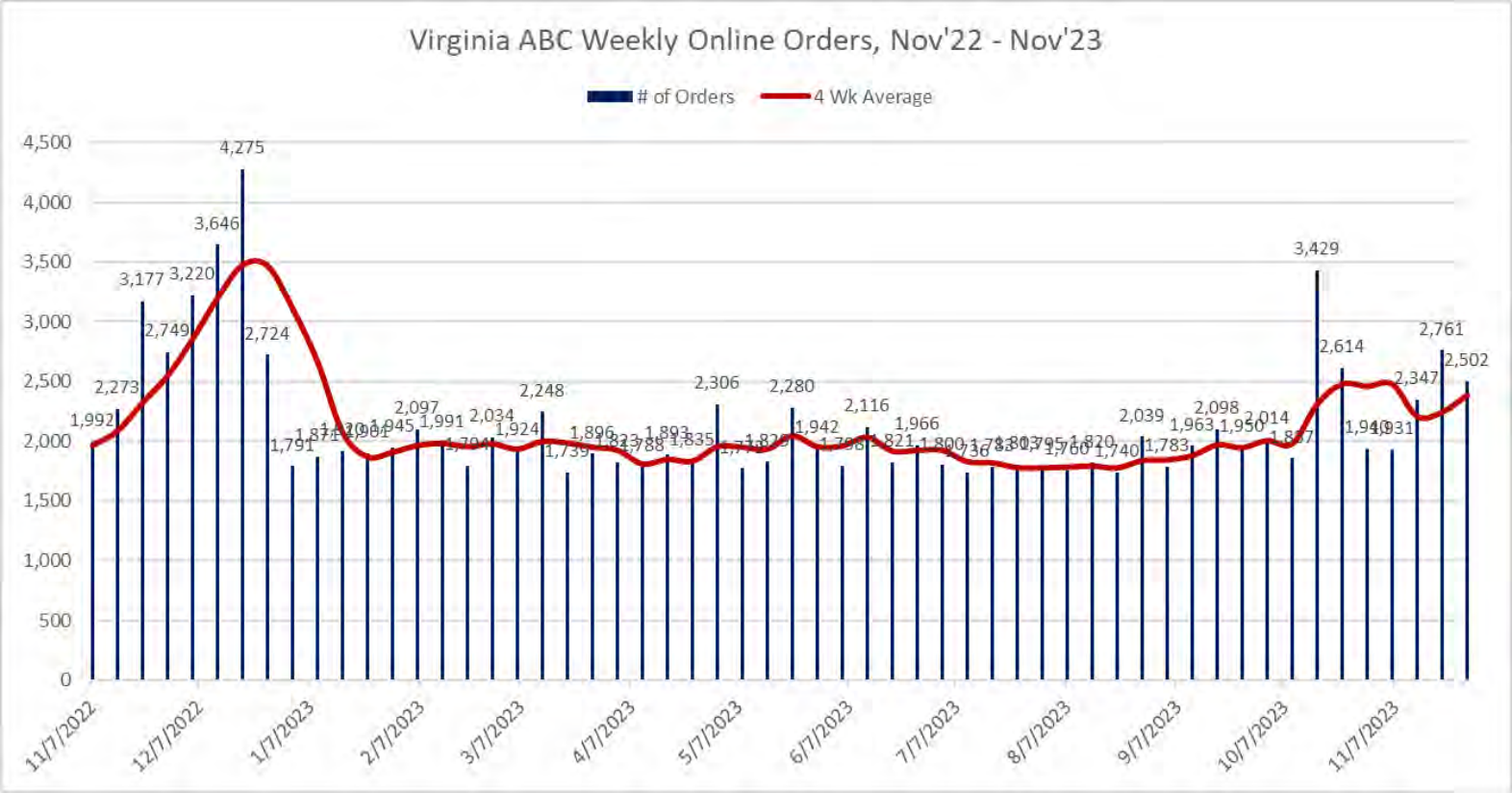
## Notes:

- The summer months are often spiky driven by the timing of warm weather holidays, typically leading to smoother trends during the fall months
- Once Halloween hits, cold weather holiday seasonal volatility begins.
- Once holiday driven spikes in November and December end, both basket ring and transaction hit their low points of the year in January.
- Peak basket ring around Thanksgiving was lower than in the previous year.



# Online Transactions: Online orders<sup>104</sup> showing lower sales than last year

Online transactions were down 6.4% in quantity, and 13.4% in weekly sales vs. last November.



Source: Data Warehouse

### Notes:

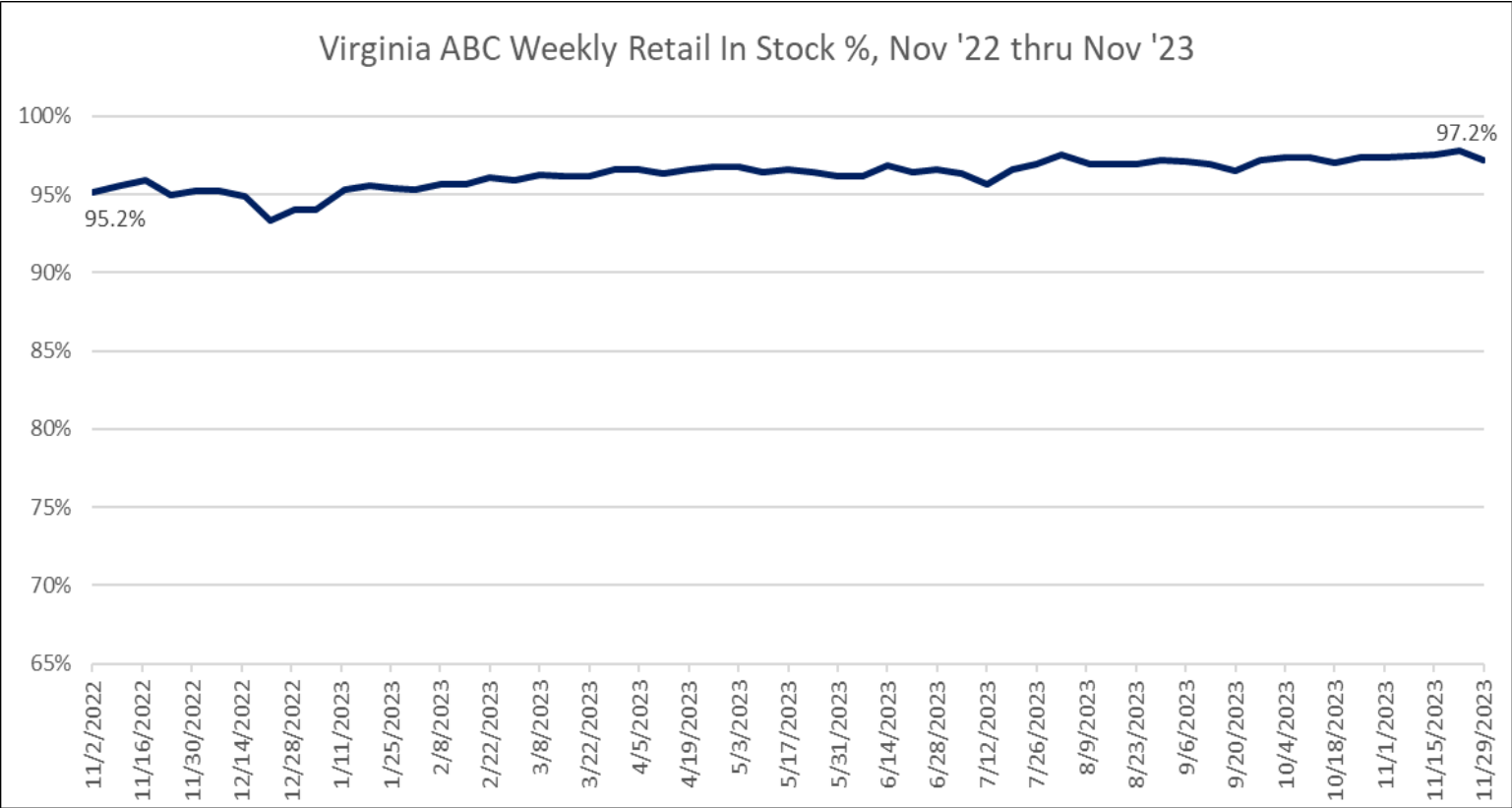
- Online transactions were mostly flat throughout CY'22 and the first half of CY'23, but '22 showed growth in the fall, prior to and throughout the holiday season
- Average weekly online sales for the month are \$193K, down 13.4% from \$223K last November and 10.9% down from \$217K last month.
- This year saw reduced online transactions around the Thanksgiving holiday.





# Retail In Stock %: In-stock continues to improve<sup>105</sup>

Retail stocks remain impacted from supply chain difficulties and reached their lowest point in the last year during the holidays. Stock position remains just below historical norm of 98%,



Source: Logistics

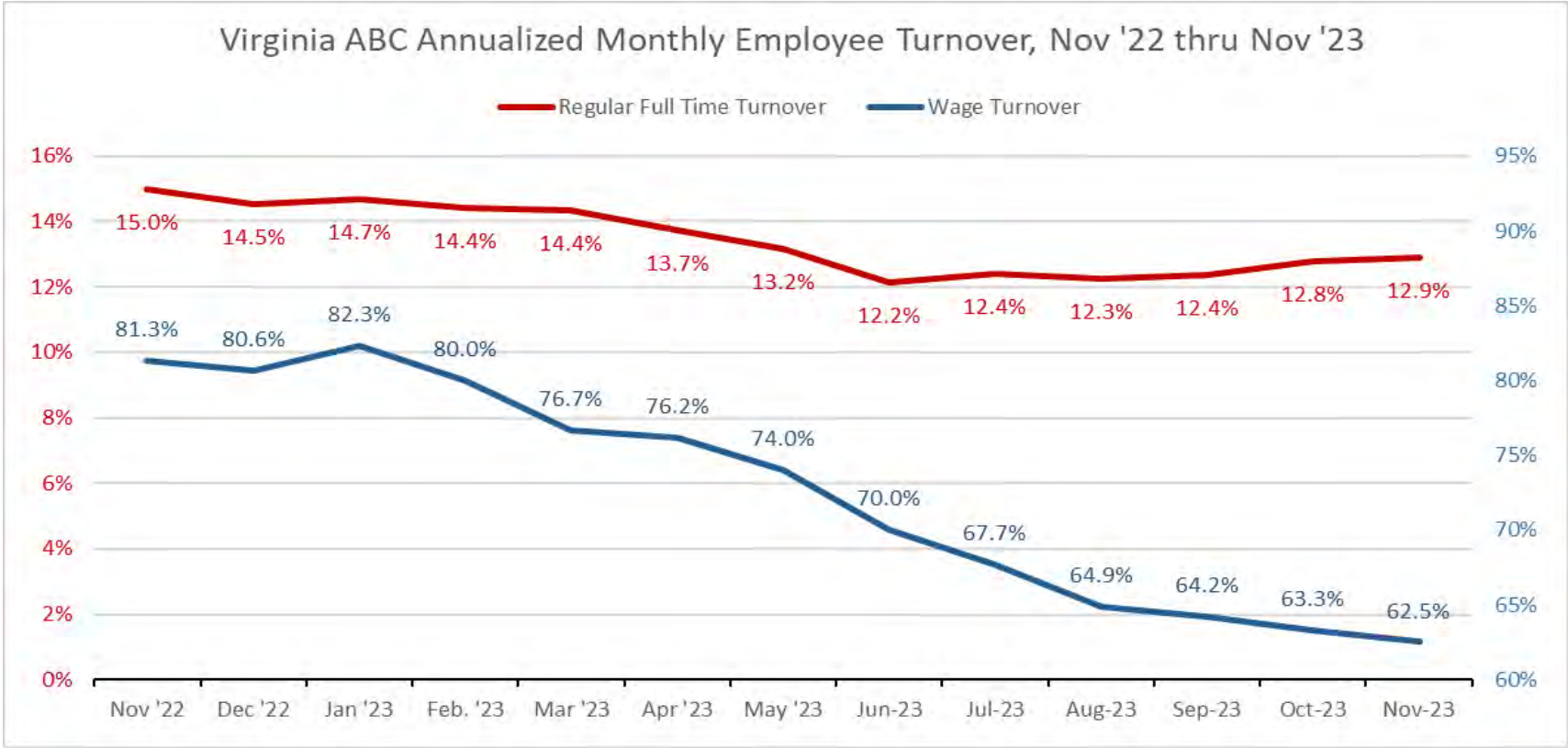
Notes:

- In stock position continues to improve, but has been relatively flat since February 2023 (95.6%) vs November 2023 (97.2%)
- Lower inventory position in December / January expected as a result of peak period sales and several supplier annual holiday close downs. Target is to recover end of February which was achieved.
- Suppliers are indicating they are allocating product to balance demand across their portfolio of customers
- The elevated sales increases will continue to challenge supply for the foreseeable future
- Work is continuing to right size inventory holdings, eliminate overstocks and “unhealthy” inventory



# Employee Turnover: Wage and Staff turnover improving

Turnover rates for both full time and wage associates are improved versus November of the prior year. Wage turnover is lower and full-time turnover is flat vs. last month.



Source: HR System Query

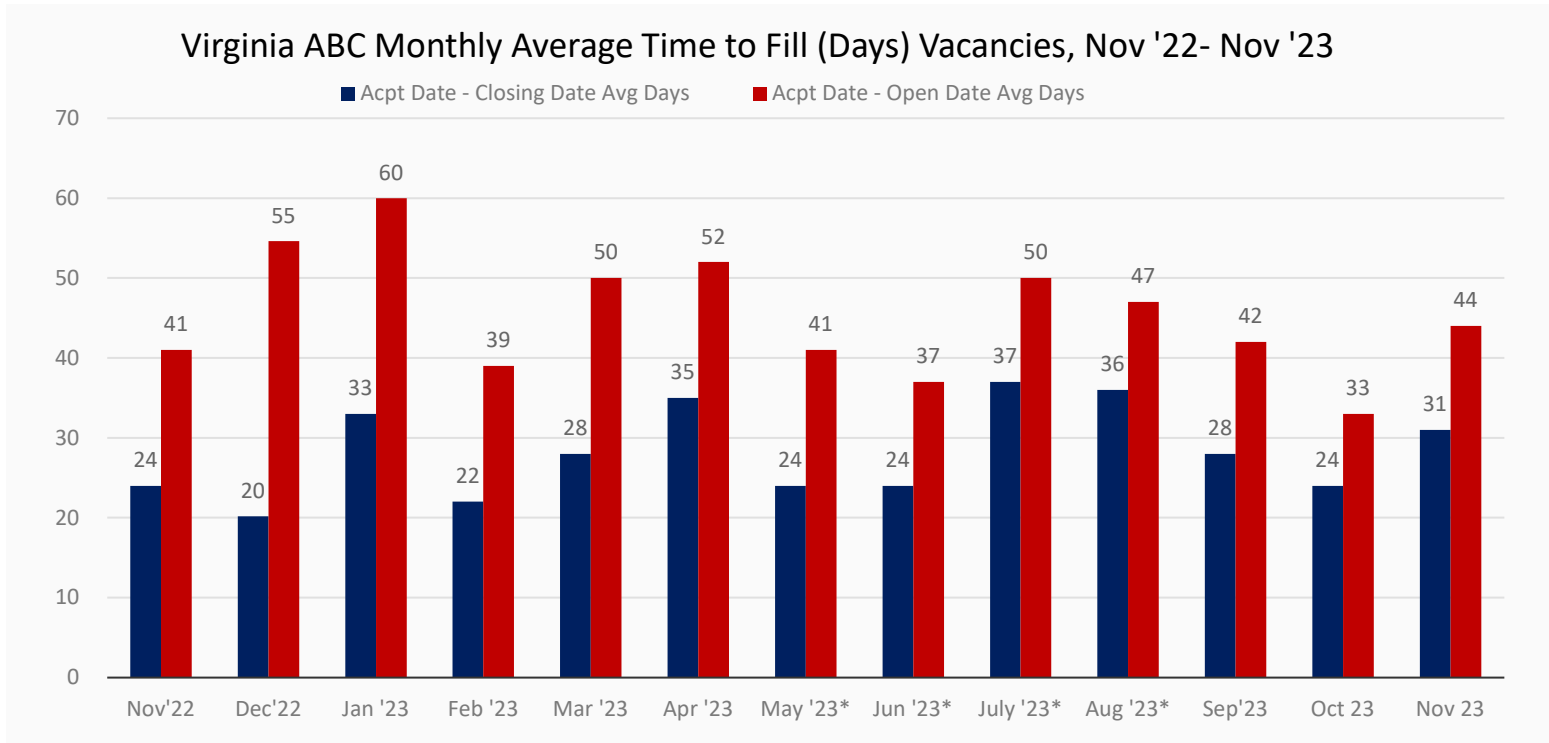
Notes:

- Employee engagement initiatives and other focused efforts (DEI Surveys and Town Halls) have been launched to address employee retention.
- EET continues to send and collect employee life cycle survey data.
- Additional recruiting KPIs are being identified and added to help determine any challenges and roadblocks in recruiting process.



# Time to Fill: Up vs. last November and last month.

Time was trending downward in FY'24 but has increased to levels consistent with August/September of this year.



Source: HR System Query

### Notes:

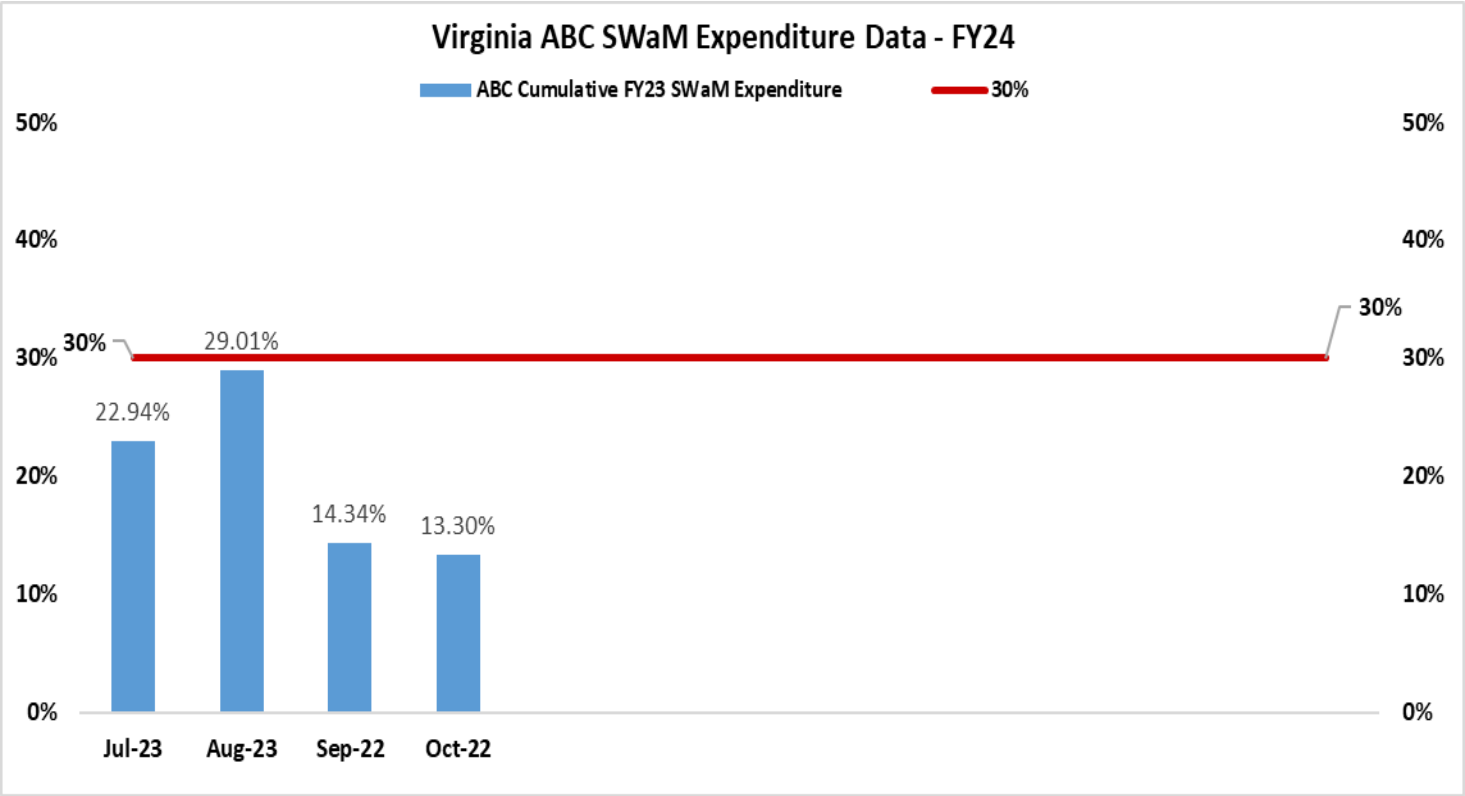
The following action plan is in place to address time to fill.

- New recruiting KPIs are being developed to help ensure the talent acquisition process is efficient and results in a good internal and external customer service experience.
- New KPIs will help identify areas for improvement in current process and help identify new processes as needed.
- TAC team works with hiring managers to ensure only difficult to fill positions are listed as open until filled.
- TAC team continues to send follow up emails to hiring managers with screening timelines to ensure a faster turnaround time for candidates/time to fill.



# SWaM %: Cumulative SWaM vendor spend well below target

SWaM spending has been below target each month of FY '24, with a peak high in August just below the 30% goal.



Source: Procurement

### Notes:

- As an Authority, ABC is not bound to the state goal of purchasing 42% of discretionary spending from SWaM vendors
- ABC SWaM spend in FY'23 was driven by Spurrier, SingleStone, Thought Logic, and CAI. ABC has reduced the use of consultants and contingent labor in FY'24.



# Board Commentary



# Public Comments

