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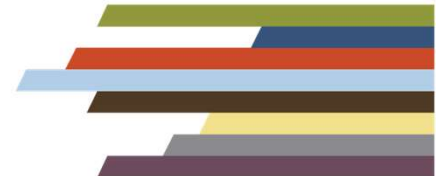


New England (HHS Region 1)

PTTC

Prevention Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration

**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration



## New England Prevention Technology Transfer Center

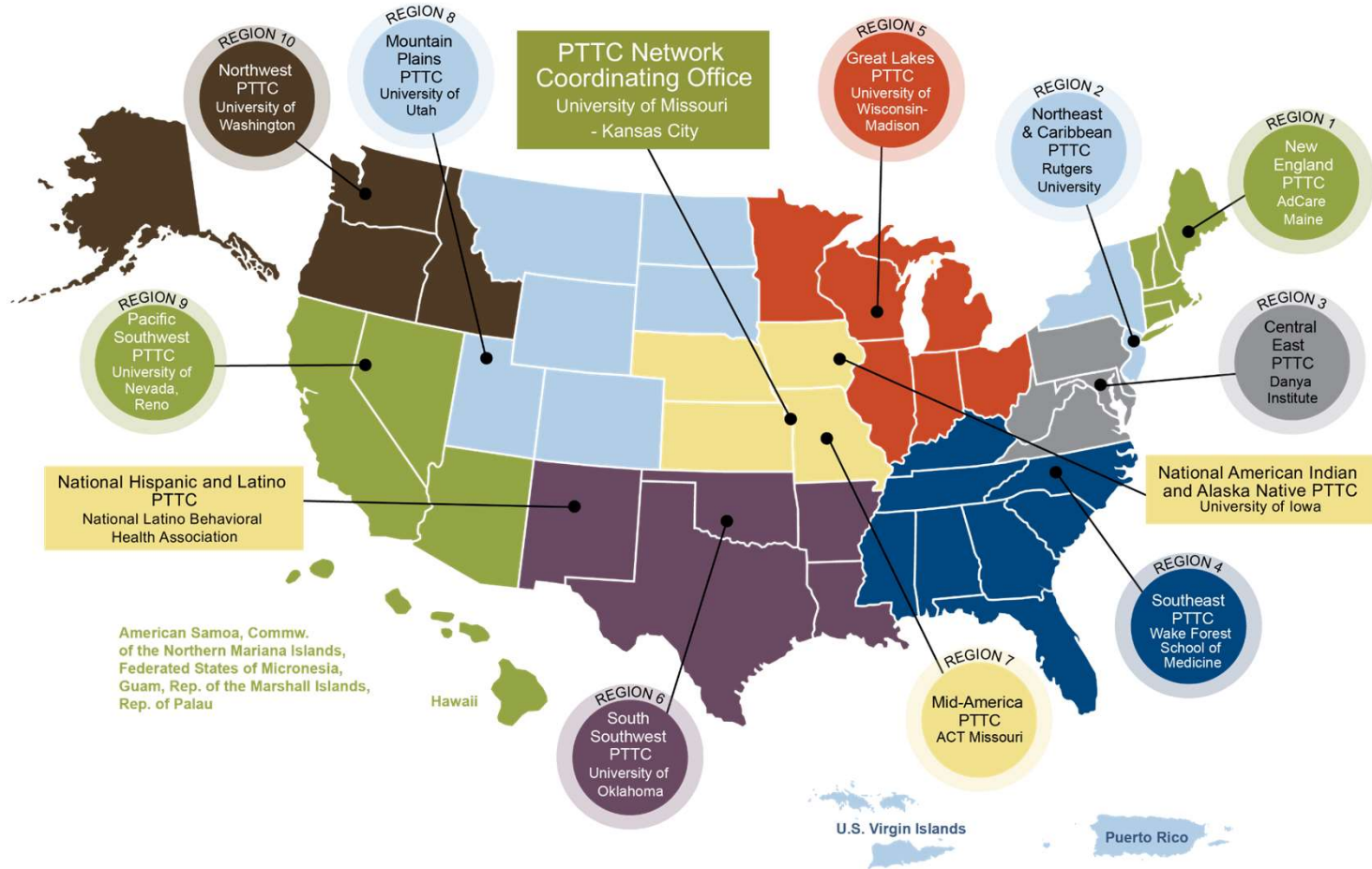
- The New England PTTC translates prevention science into trainings and technical assistance products to guide the prevention workforce in adopting and implementing prevention science in their communities.
- Products include in-person, distance-learning, and online trainings as well as prevention tools and resources.
- The Prevention Technology Transfer Center Network is funded by the Substance Abuse and Mental Health Services Administration.
- Find us online:
  - <https://pttcnetwork.org/centers/new-england-pttc>





**PTTC** Prevention Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration

**PTTC Network**



The use of affirming language inspires hope.

LANGUAGE MATTERS.

**Words have power.**

PEOPLE FIRST.

The PTTTC Network uses affirming language to promote the application of evidence-based and culturally informed practices.

NEW ENGLAND PTTC (REGION 1)  
FRIDAY, SEPTEMBER 11 | 1:00 PM - 2:30 PM

# DtC Alcohol Sales in the Era of COVID-19:

*Enforcement and Policy Challenges*



Cassandra Greisen Turre | *Director of Public Policy, NABCA*

Carrie Christofes | *Executive Director, NLLEA*

Matthew Stemple | *Special Agent, NC Dept. of Public Safety, ALE Division*

# Alcohol Home Delivery: The Regulation Landscape

Cassandra Greisen Tourre | Director of Public Policy, NABCA





# NABCA

NATIONAL ALCOHOL BEVERAGE  
CONTROL ASSOCIATION

- Established in 1938
- Represent "Control Systems" jurisdictions with direct role in sale cycle (wholesale and/or retail)
- Not an advocacy or lobbying organization
- Not a beverage alcohol industry organization

# Alcohol in the United States Constitution





# Side by Side: State Comparison

CONTROL  
**NEW HAMPSHIRE**

Office of the Governor



NH Liquor Control Commission



(Licensing + Enforcement)

CONTROL  
**MAINE**

Department of Administrative and Financial Services




Bureau of Alcoholic Beverages & Lottery Operations




(Licensing + Enforcement)

CONTROL  
**VERMONT**

Office of the Governor



Department of Liquor & Lottery



(Licensing + Enforcement)

LICENSE  
**MASSACHUSETTS**

Treasurer




MA Alcoholic Beverages Control Commission




(Licensing + Enforcement)

LICENSE  
**RHODE ISLAND**

Department of Business Regulation




Division of Commercial Licensing and Regulation




(Licensing + Enforcement)

LICENSE  
**CONNECTICUT**

Department of Consumer Protection



Liquor Control Commission



(Licensing + Enforcement)



# ALCOHOL REGULATORY CHANGES

All branches of government play critical role in alcohol regulation



## Executive

Ensures laws are obeyed, creates rules and regulations



## Legislative

Creates new laws or changes existing laws



## Judicial

Interprets the meaning of laws and determines if laws violate Constitution



## Alcohol Regulation & Public Health/Safety



### Price

Keeps prices reasonably high and prevents price wars. Low prices increase consumption, particularly among youth



### Promotion

Curtails or bans promotions that encourage high volume consumption Restricts retail window signage



### Product

Controls or bans dangerous or high potency products



### Place

Limits availability (locations, days and hour)



# PILLARS OF ALCOHOL REGULATION

Protect public health & safety

Ensure efficient tax/revenue collections

Eliminate unfair or illegal marketing practices

Balance interests

## All Jurisdictions Achieve Objectives by:

License everyone who sells alcohol

Enforce laws to reduce underage and excessive drinking

Regulate days/hours of sale, location of premises, and density of outlets

Require products to flow through a 3-tier system



PRODUCER/  
MANUFACTURERS



DISTRIBUTORS/  
WHOLESALEERS



RETAILERS

## 3-TIER REGULATORY STRUCTURE



*Controlled system with independent tiers to prevent marketplace domination*

# Three-Tier System: The Why and Relevancy Today

### PRODUCT QUALITY

Wholesaler tracks all bottles and cans creating efficient system for removal of tainted product before harm occurs.

### TAX COLLECTION

Wholesaler usually collects the excise tax. US has nearly 100% collection vs. other countries.

### PREVENT ILLEGAL SALES

Retail tier must prevent sales to minors and intoxicated persons and collect sales taxes.



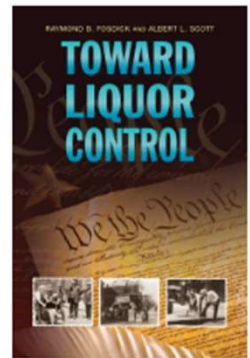
### Financial Independence

- Prohibits ownership of more than one tier
- Restricts financial ties and things of value as an inducement to buy manufacturer's product.
- Protects distributor with "franchise laws" from being dominated by producer.

### Regulation Design

- Reduce aggressive sales tactics such as incentives to consume in high volume.
- Prevent "vertical monopolies" where one tier dominates the others.
- Curtail public order problems using outlet density restrictions and limits on days and hours of sale.
- Greater restrictions on high alcohol content products

BLUEPRINT FOR  
STATE REGULATORY  
SYSTEMS





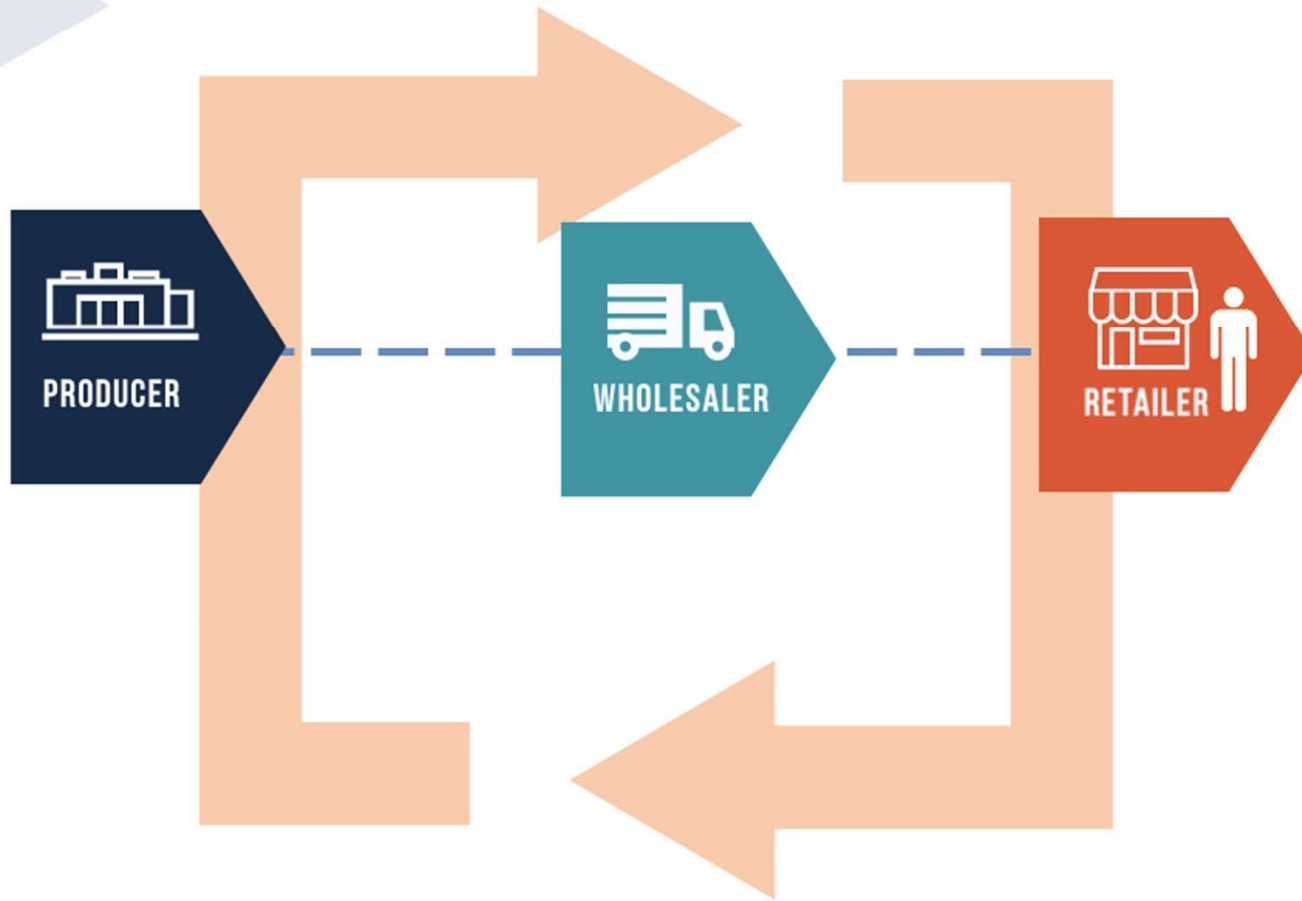
GET THE DOOR.

IT'S THE

LIQUOR STORE.

The  
Basics

## 3 Tier System



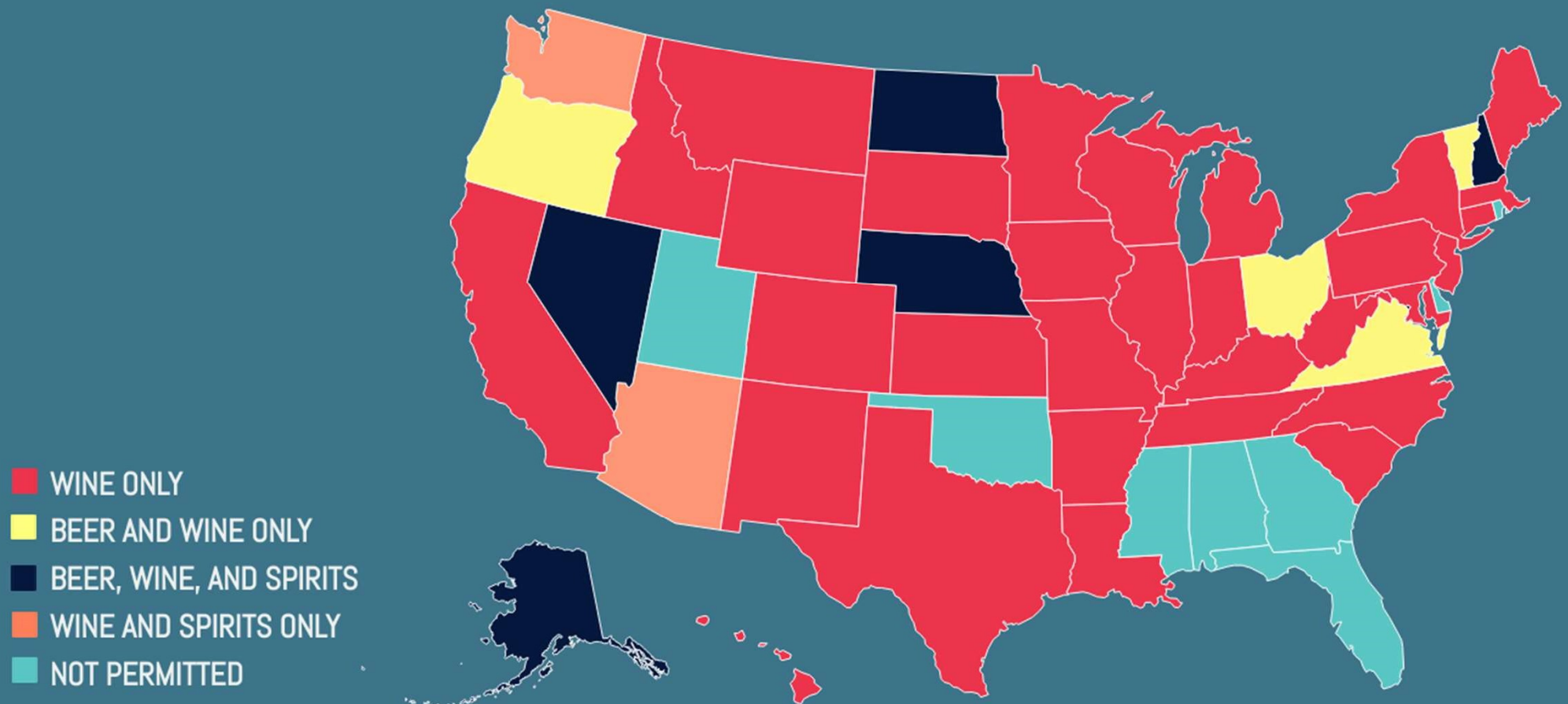


# The Basics

## Direct Shipping



# Direct Shipping Permitted, Beverage Type:



Source: SAMHSA, Report to Congress, 2018



# Alcohol Home Delivery

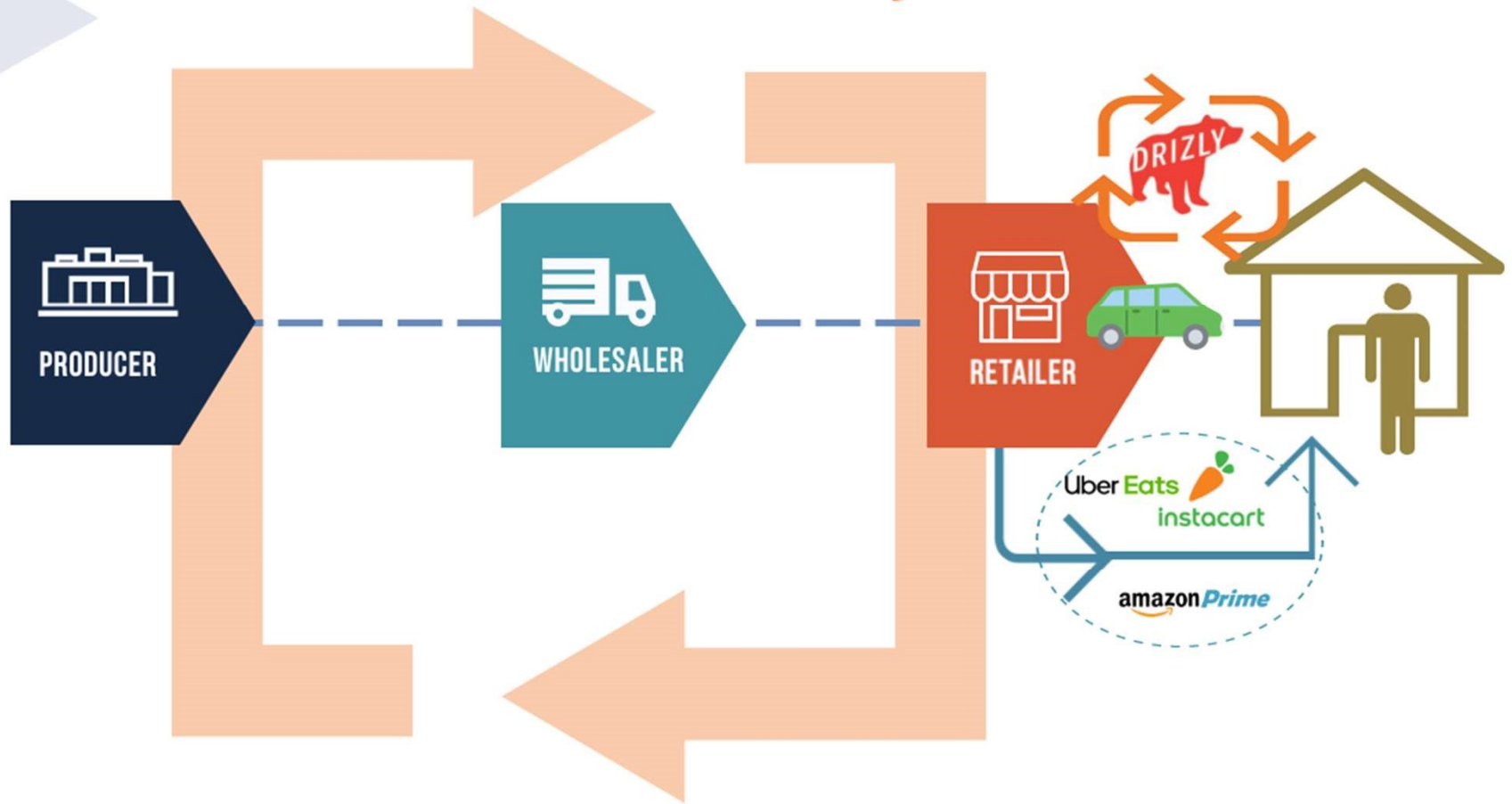
*Regulatory Levers to Protect Public*

## Direct Shipping of Alcohol

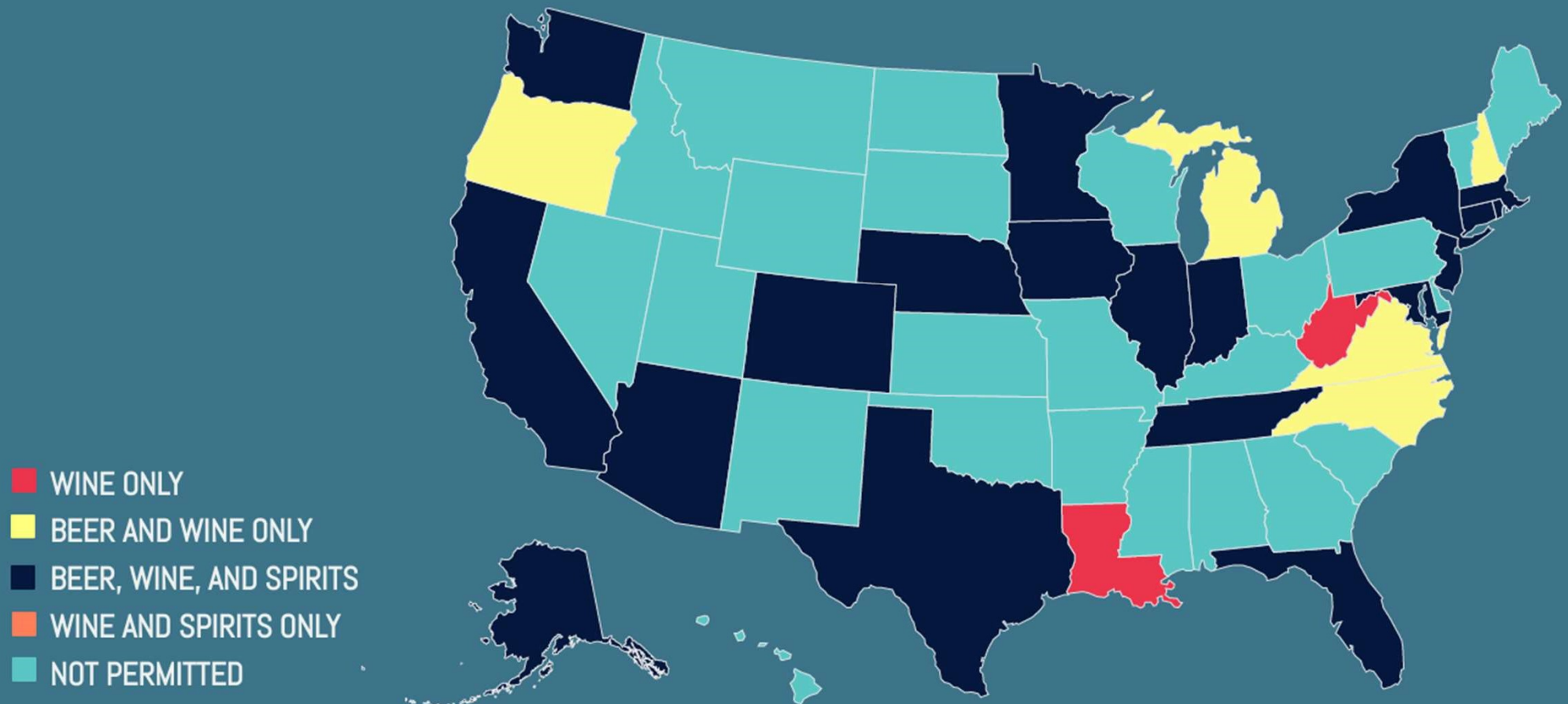
- ✓ Licensing of direct shippers (In-state or out of state)
- ✓ Licensing of fulfillment centers
- ✓ Licensing common carriers
- ✓ Training for common carriers' delivery drivers in ID carding practices
- ✓ Tracking mechanisms to trace product through the supply chain channels  
(shipper-common carrier-consumer)

# The Basics

## Home Delivery *3rd Party Delivery and Online Platforms*



# Home Delivery Permitted, Beverage Type:



Source: SAMHSA, Report to Congress, 2018

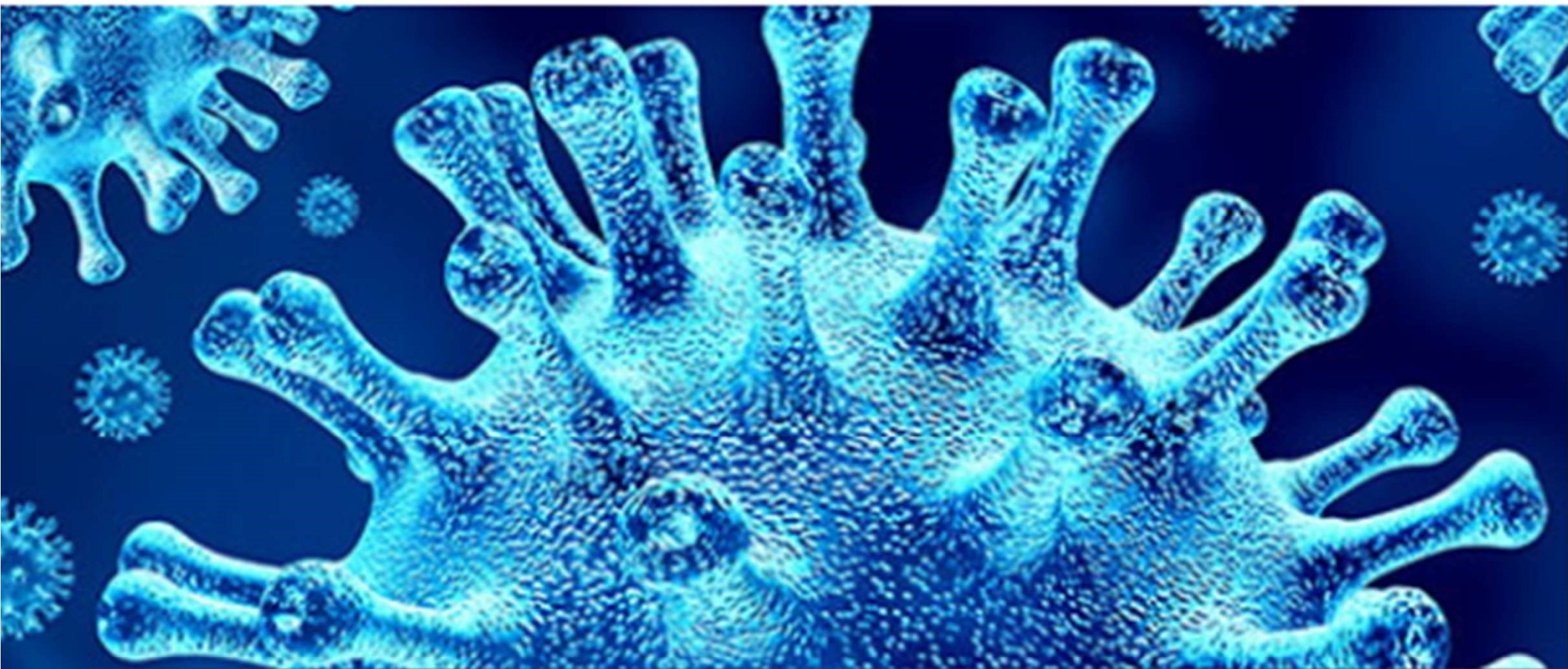


# Alcohol Home Delivery

*Regulatory Levers to Protect Public*

## Retail and 3rd Party Delivery of Alcohol

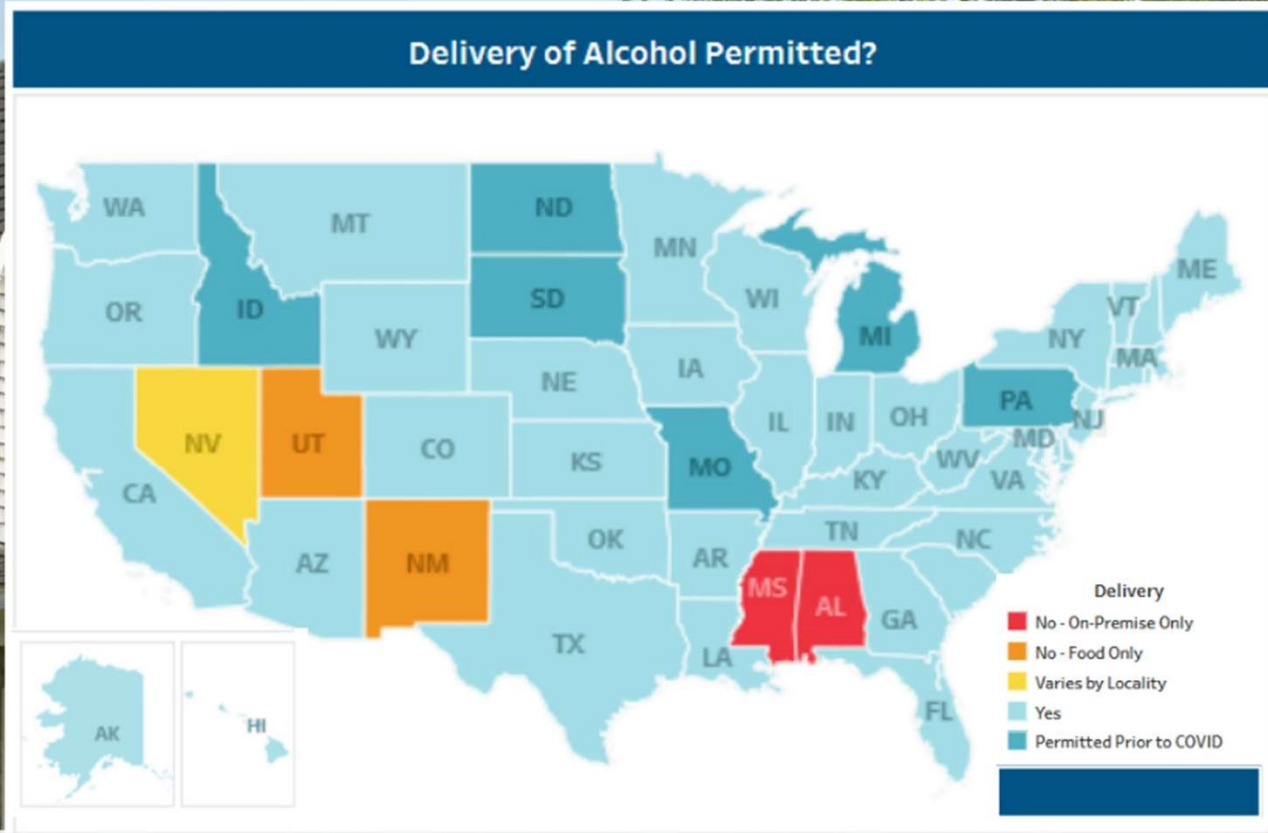
- ✓ Licensing of 3rd party delivery vendors
- ✓ Licensing of 3rd party delivery vendors' drivers
- ✓ Licensing of retailers to conduct home deliveries
- ✓ Training on carding practices for delivery drivers
- ✓ Liability for when issues arise...who is the sale connected to...the retailer, the 3rd party vendor, the delivery person?



# COVID-19 RESOURCES



# HOME DELIVERY

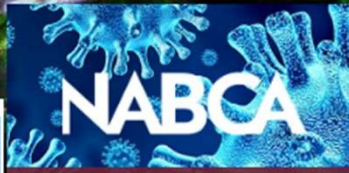
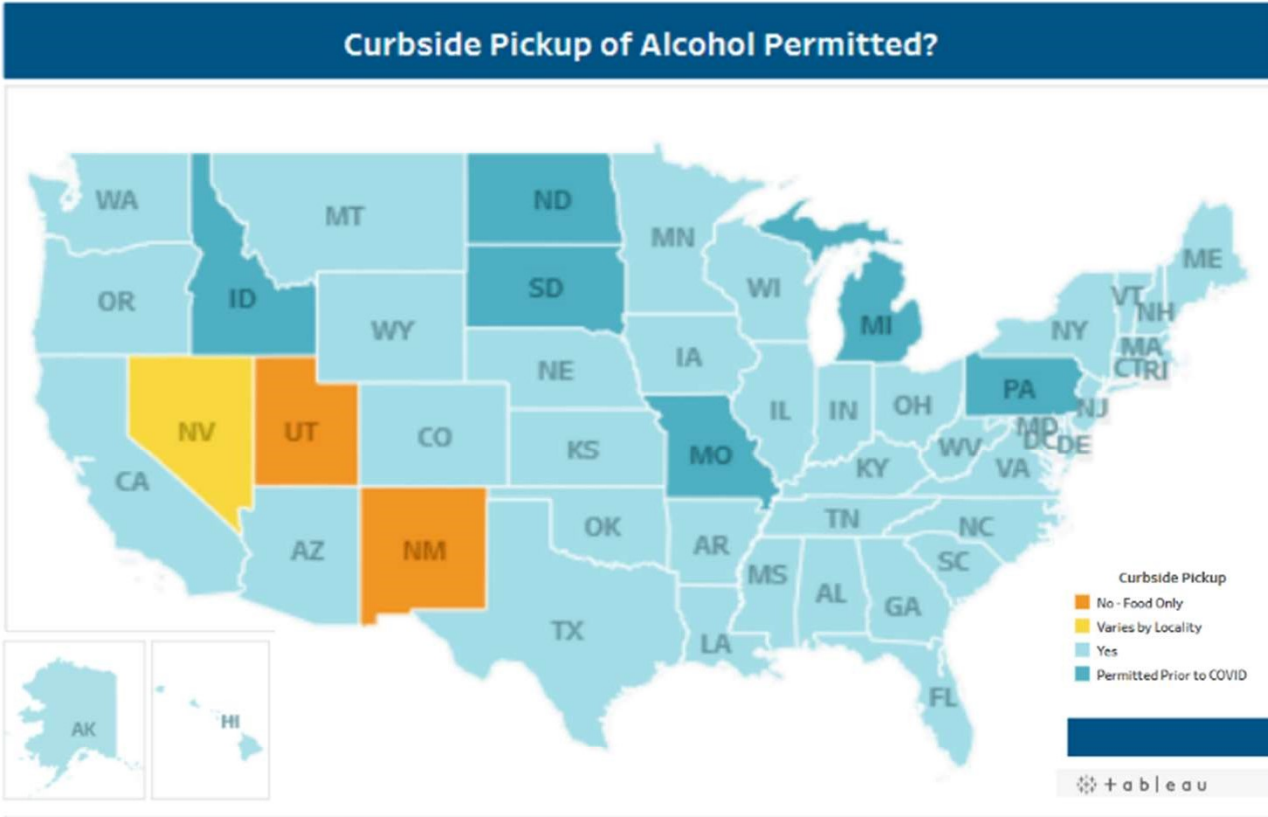




RESTAURANT



# CURBSIDE PICKUP



COVID-19 RESOURCES

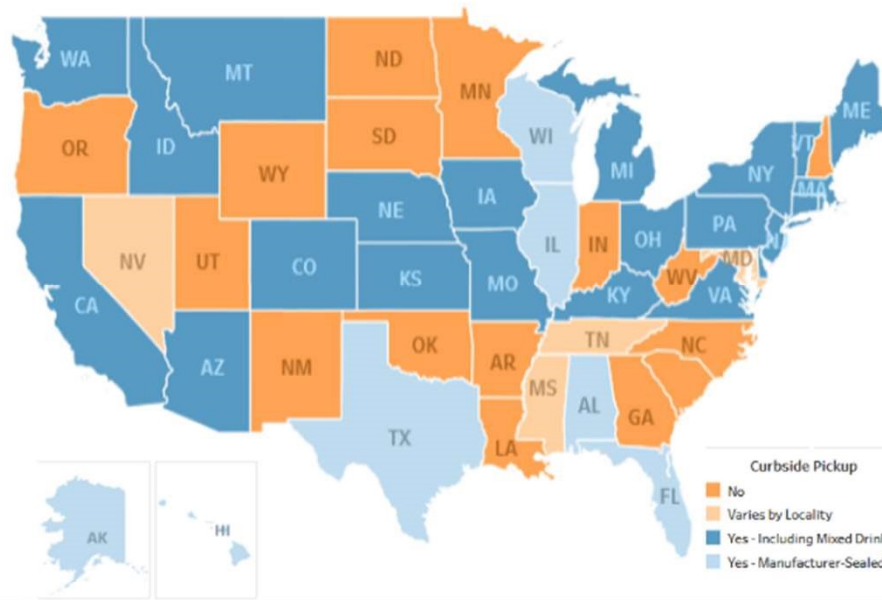




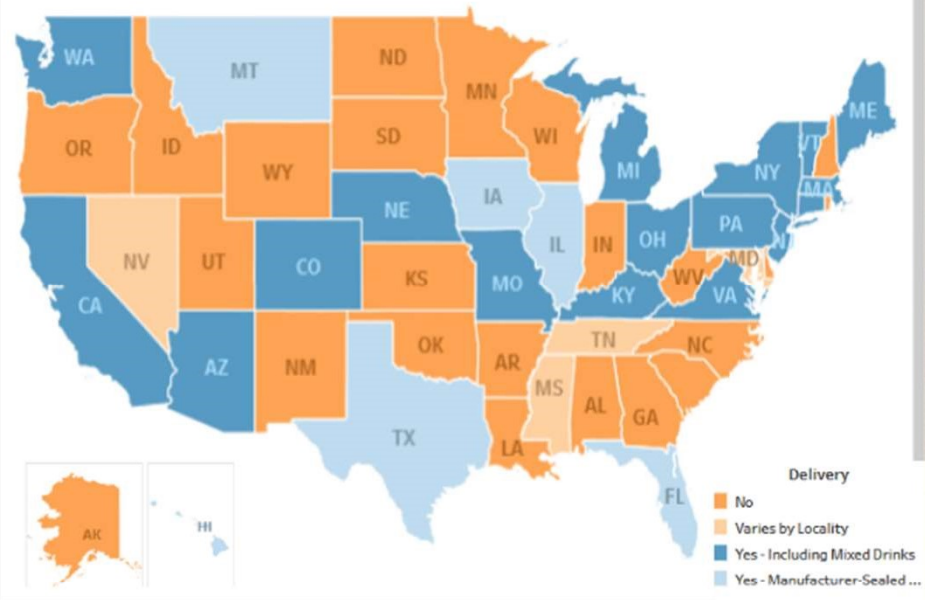
# SPIRITS TO GO



## Spirits-Based Drinks for Curbside Pickup



## Spirits-Based Drinks for Home Delivery





## What it all means

Increased Access and  
Availability

Enforcement and  
Monitoring Challenges

Needed Resources to  
Prevent Harm, Protect  
Consumers, Collect Taxes  
and Monitor Compliance



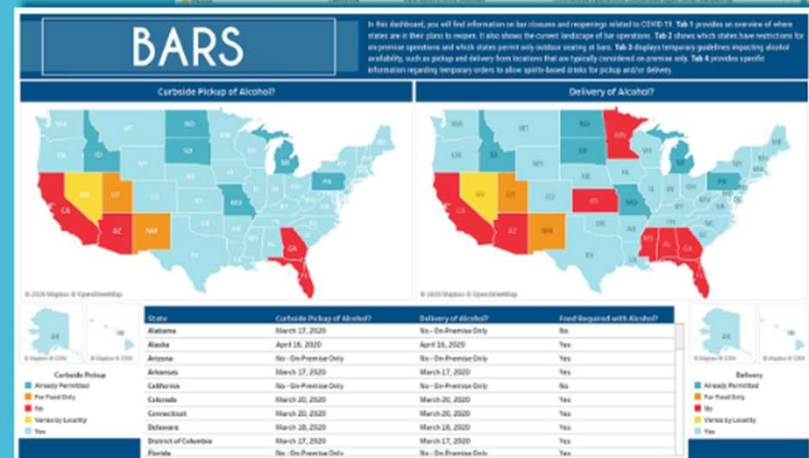
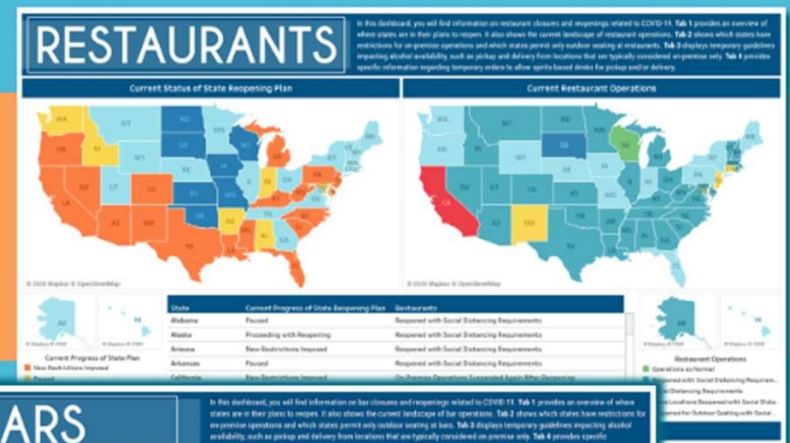
# NABCA

# NABCA IS A RESOURCE

COVID-19 Resource Page:  
[www.nabca.org/covid-19-resources](http://www.nabca.org/covid-19-resources)

Thank you!

Cassandra Greisen Turre  
Director of Public Policy  
Email: [cassandra.tourre@nabca.org](mailto:cassandra.tourre@nabca.org)



# Enforcement Capacity, Challenges, and Protocols to Monitor this New Environment

Carrie Christofes | Executive Director,  
National Liquor Law Enforcement Association (NLLEA)





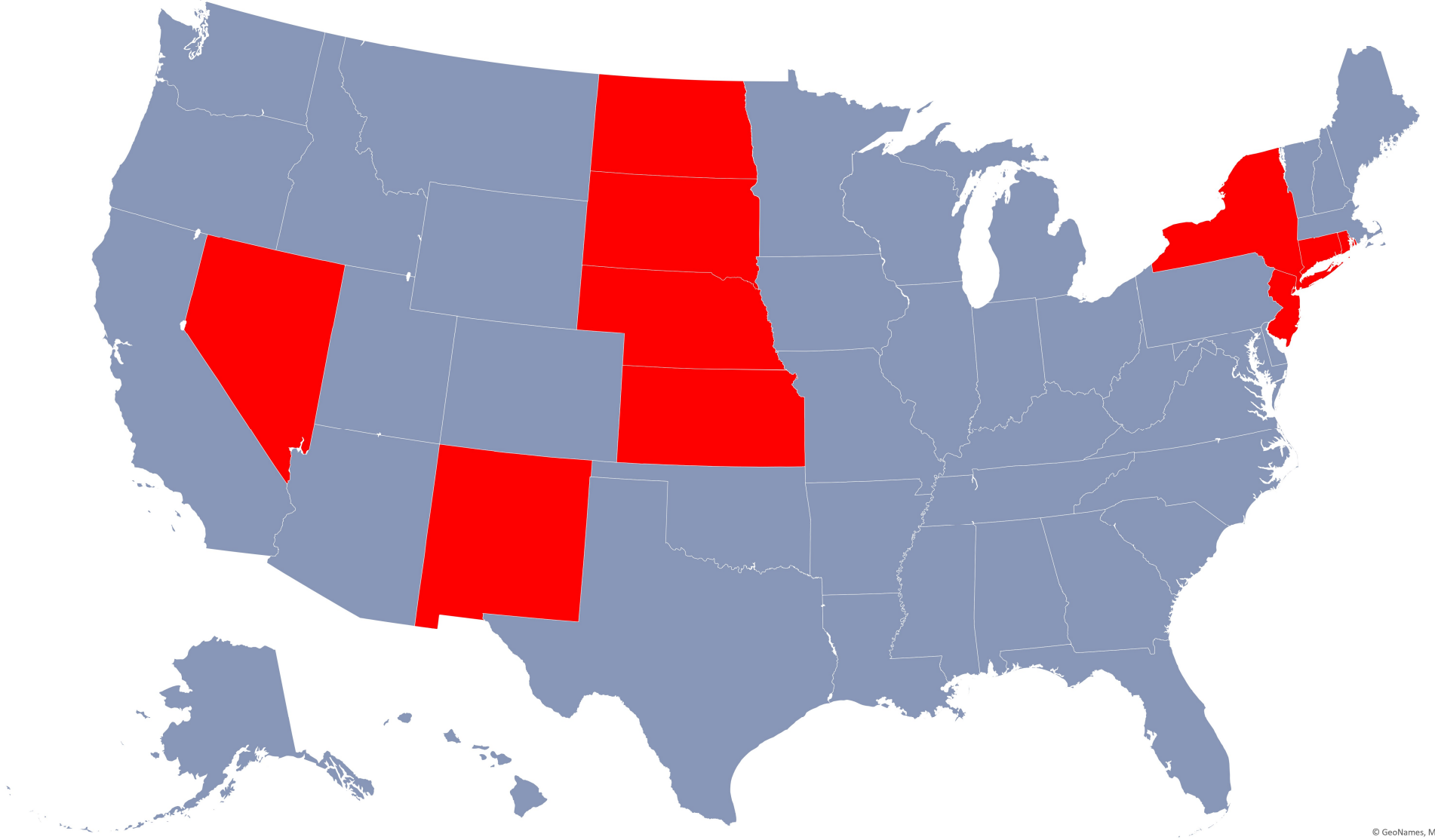
## Membership Benefits for Alcohol Law Enforcement (ALE)

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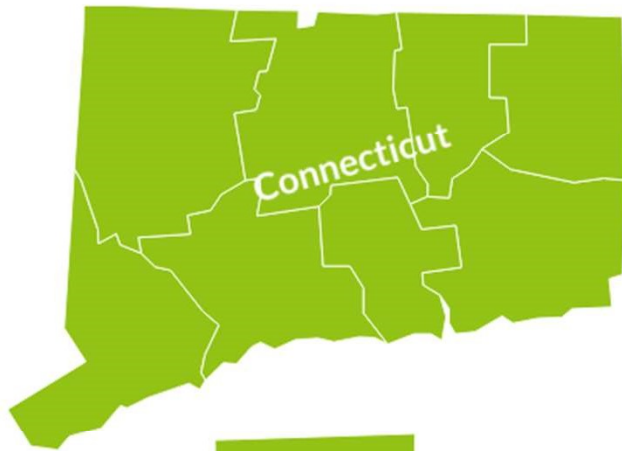
- Best Practices in ALE policies, procedures, regulations, and strategies.
- ALE training by experts in the field.
- Networking and training with other ALE agencies nationwide.
  - Chief's/Directors Meetings
  - Direct to Consumer Workgroup
  - RMS for Alcohol Law Enforcement
- Toolkits on ALE strategies to include source investigations, impaired driving crackdowns, and ALE training.
- Support on legislation that encompasses the mission of the NLLEA.



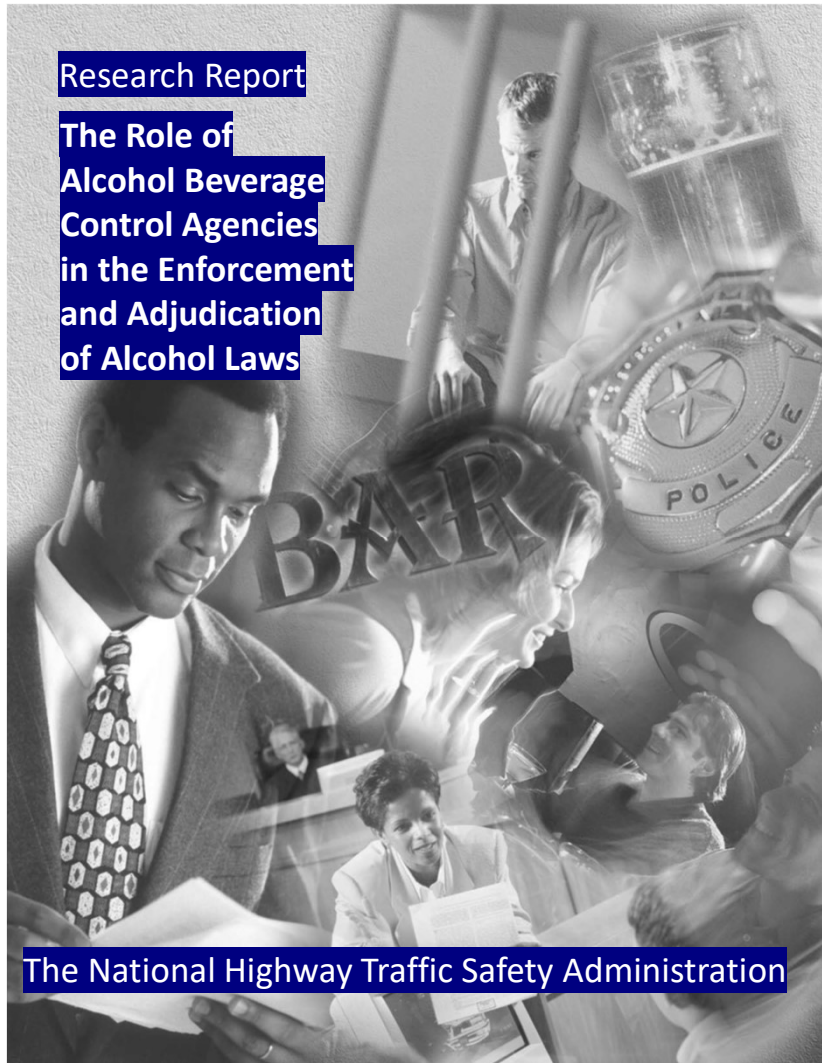
## NLLEA Membership



# Alcohol Law Enforcement Typology







# Alcohol Beverage Control Enforcement Powers and Structure

1. **Within the Alcohol Regulatory Agency**
  - Administration
  - Licensing
  - Enforcement
2. **State's Department of Public Safety**
3. **County/Local Level**



# NLLEA Services

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- Collect, analyze and disseminate alcohol law enforcement data
- Consult with law enforcement agencies to provide technical assistance on:
  - Alcohol law enforcement strategies
  - Policy and procedures development and review
  - Post agency job announcements
- Conduct demonstration programs on innovative alcohol enforcement strategies
- Conduct national and regional trainings
- Host the NLLEA Annual Conference



# Enforcement Capacity Challenges

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Outlet to Officer Ratio



Increased Access and Availability



Age Compliance Checks for Home Delivery

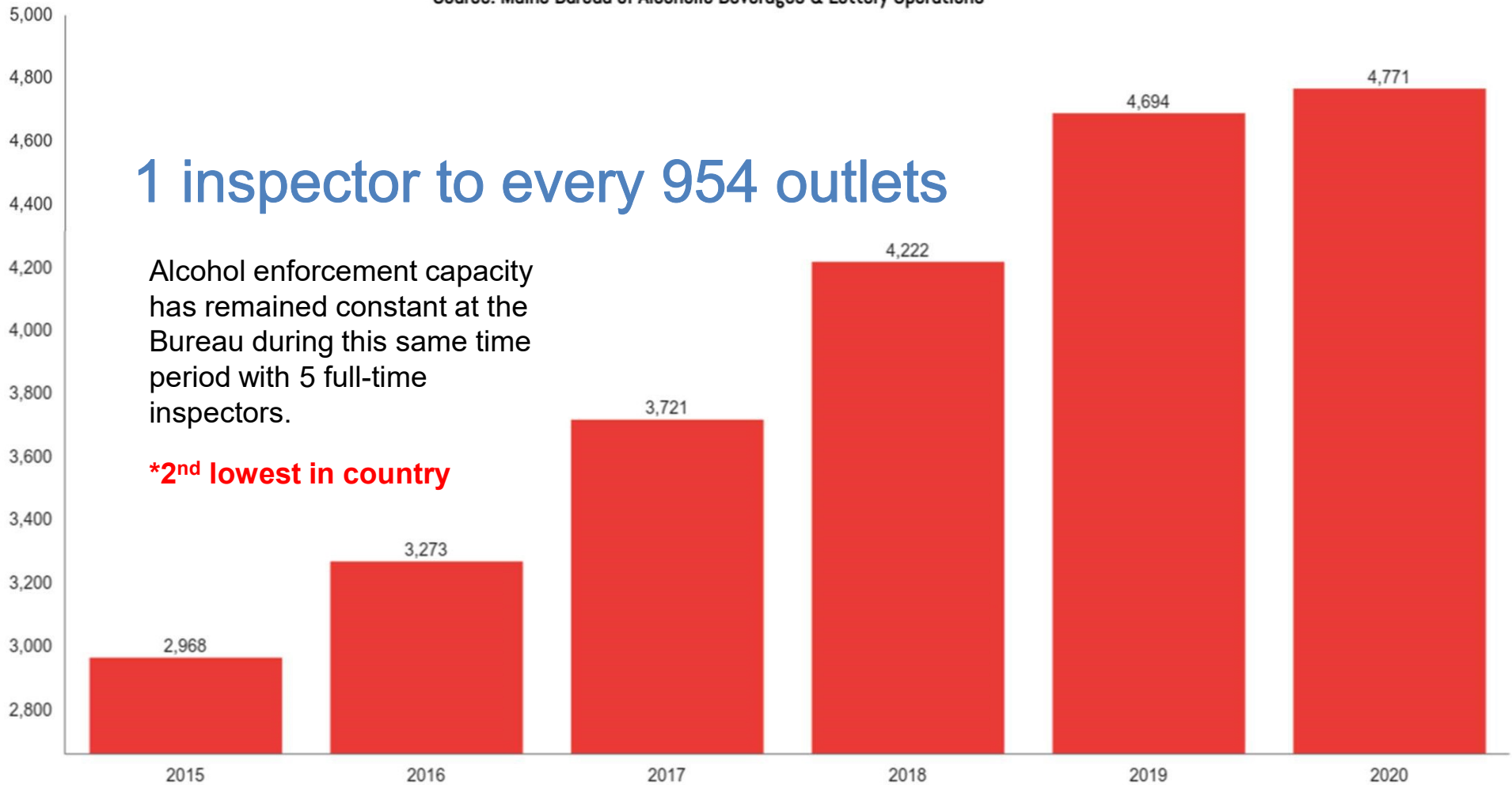


Resources



## Increase in Total Licenses

Source: Maine Bureau of Alcoholic Beverages & Lottery Operations



# 1 inspector to every 954 outlets

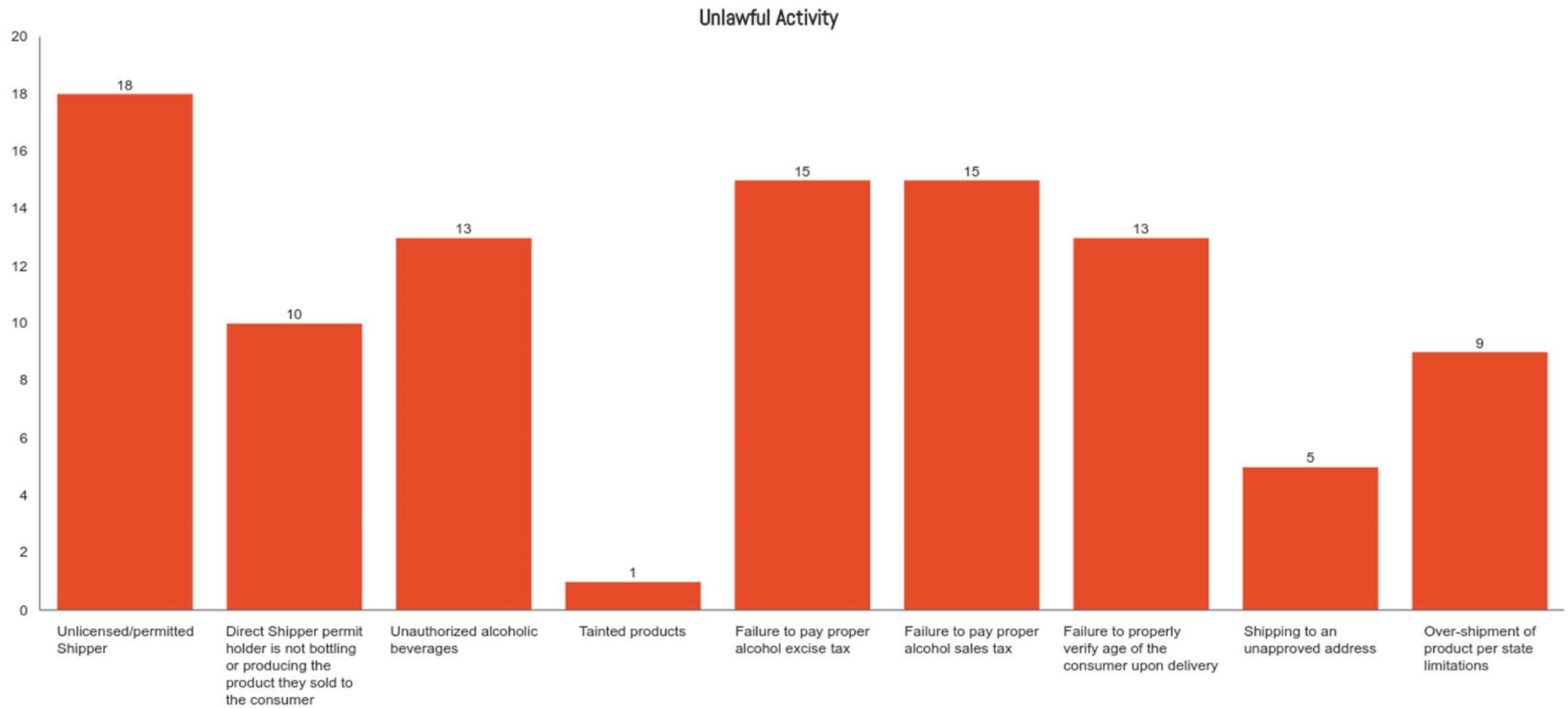
Alcohol enforcement capacity has remained constant at the Bureau during this same time period with 5 full-time inspectors.

**\*2<sup>nd</sup> lowest in country**

*\*NLLEA, 2020 NLLEA Salary Survey*

# Common Unlawful Activities Connected to DTC Shipping

NLLEA Survey data collected in 2019





# NLLEA Virtual Training Library

## *Best Practices & Protocols*

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### Law Enforcement Training - focus on procedure

- Fake Identification
- Human Trafficking Investigations
- Trade Practice Investigation

### Prevention Training - focus on process and collaboration

- Source Investigations
- Age Compliance Checks
- Responsible Beverage Service





# National Liquor Law Enforcement Association

# NLLEEA

May 28, 2020

MEMBER ADVISORY

Greg Croft  
President  
*Ohio*

John Yeomans  
Vice President  
*Delaware*

Todd Merlina  
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*Pennsylvania*

Thomas Kirby  
Sergeant at Arms  
*Virginia*

Robert Kracyla  
Immediate Past President  
*Delaware*

Carrie Christofes  
Executive Director

Dear Members:

The pandemic is creating unprecedented shifts and changes in the alcohol marketplace adding additional challenges for Alcohol Law Enforcement (ALE). **This communication provides ALE agencies with resources on best practices as they work to enforce these new policies to ensure the public's safety.**

Nationwide, 32 states plus the District of Columbia have relaxed licensing laws to allow bars and restaurants to sell sealed, unopened bottles of wine, beer, and spirits. Of those states, almost 20 are also allowing sales of pre-made cocktails to go.

The National Liquor Law Enforcement Association (NLLEA) recognizes the severe financial burden licensees are facing as they seek to abide by the social distancing guidelines set forth in states. However, we also recognize that this

# INTERNET ALCOHOL SALES TO MINORS

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A 2012 study (Williams et al.) examined youth access to alcohol through online vendors found that of the 100 orders placed by the underage buyers, 45% were successfully received; 28% were rejected as the result of age verification. Most vendors (59%) used weak, if any, age verification at the point of order, and, of 45 successful orders, 23 (51%) used none. Age verification at delivery was inconsistently conducted and, when attempted, failed about half of the time.





# CONTACT US

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## **National Liquor Law Enforcement Association**

1540 Oakland Avenue #306

Indiana, PA 15701

Phone: 724-762-5939

Website: <http://www.nllea.org>


Email: [carrie.christofes@nllea.org](mailto:carrie.christofes@nllea.org)



# Alcohol Delivery Services: How to setup and conduct compliance checks

Matthew Stemple | Special Agent, NC Department of Public Safety,  
Alcohol Law Enforcement Division





# Alcohol Delivery Services: How to setup and conduct compliance checks

Matt Stemple

Assistant Special Agent in Charge

North Carolina Alcohol Law Enforcement

# Overview

- What is the goal of the compliance check operation?
- What is needed in order to conduct alcohol delivery compliance checks:
  - E-mail address
  - Accounts with alcohol delivery services
  - Location to have the alcoholic beverages delivered to
  - Payment method
  - Underage person
  - Additional law enforcement officers
  - Electronic recording devices
- Review of NCALE alcohol delivery compliance check operation
  - Objective
  - Methods
  - Results

# What is the goal?

- Educate
- Discover violations and take appropriate action
  - Citations or arrests
  - Administrative violations
    - The courier service
    - The permitted establishment
    - The individual

## E-mail address

- Some of the delivery services require individuals to establish an account before displaying how long it would take to deliver to a specific address.
- In order to create an account, an individual must use an e-mail address.
- An undercover e-mail address can easily be created using services such as Gmail or Yahoo.

# Locations

- When determining the locations where to have the alcohol deliveries made, it is important to consider the type of location where the delivery will be made and the time it would take to have the item(s) delivered.

# Locations: Apartment vs. House vs. Hotel

- When determining where to have the alcoholic beverages delivered the following factors should be considered:
  - If it is a neighborhood or an apartment complex, is it gated or is access otherwise limited?
  - Is there cost to use location?
  - If the operation is conducted at a hotel or apartment complex, will the owners/management/employees be aware of the operation?
  - Are you intending to record the delivery attempts? If so, are there locations where you can place the recording devices? Refer to your state's laws regarding audio and video recording and determine if your state is a one or two party recording state.



## Location: Delivery time and placing orders

- To minimize down time and enhance operational efficiency, it is important to select a location where the items can be delivered within a one hour window, from the time the order is placed.
- Additionally, if you are going to make two purchases using the same service, one right after the other, place the order immediately after receiving the first. Otherwise, if you are going to schedule a delivery from a different delivery service, you may place the order when the first courier is almost to your location.
- This prevents having to schedule the deliveries a day in advance and helps to ensure you are only interacting with one courier at a time.

## Payment Method

- Many alcohol delivery services, such as Instacart and Postmates, do not accept prepaid credit cards.
- To ensure a clean account, devoid of personal purchases, a separate bank account should be setup using agency undercover funds.
- Monthly bank statements and alcohol delivery receipts can be attached to agency undercover fund reports.

# Underage Person

- Selecting an underage person to use for the compliance check is also important.
- It is a good practice to ensure the underage persons looks appropriate for their age.
- The underage persons should also have a non-expired acceptable form of identification in their possession.
- Always, be sure to follow your agency's policies regarding the selection of an underage person and how to conduct compliance checks.

# Law Enforcement Officers

- How you are going to conduct the compliance check operation, and if you are going to use recording equipment, determines how many law enforcement officers you will need. Consider the following:
  - Who is going to intercept the courier?
  - Where will the courier be intercepted?
  - Who will be responsible for logging and maintaining custody of the evidence?
- One officer should be responsible for the safety of the underage person.
- A separate officer should be responsible for the placement and activation the recording devices and for downloading the recordings after each delivery attempt.
- A third officer should be responsible for speaking with the courier.

# Electronic Recording Devices

- Court systems are starting to increasingly rely on audio and video recordings for prosecution.
- Covert recording devices, body wires, and body cameras are all excellent ways to capture the interactions between the underage persons and the courier and between law enforcement and the courier.

# Electronic Recording Devices

- Things to consider when utilizing recording devices include:
  - Fully charged – Be sure each recording device is fully charged before starting the operation. Also, make sure you are aware how long the device(s) can operate without receiving a charge.
  - Placement of video recording devices– Before starting the operation, if using a covert video camera, place the covert recording device(s) and begin a test recording. It is important to ensure camera is positioned appropriately and records what you want it to record. It is also important to make sure one camera is not in view of the other.
  - Monitoring – Is the audio or video able to be monitored live? Who has access to monitor the audio/video? Are multiple agents/officers allowed to monitor a recording device at the same time?
  - State law and agency policy – Make sure to abide by your applicable state laws and agency policies regarding audio and video recordings. Is your state a one or two party recording state? Is there a state law or agency policy requiring you to notify a person if he or she is being recorded?



# NCALE Alcohol Delivery Compliance Check Study



# Objective

The objective of this operation was to conduct compliance checks on alcohol delivery services in North Carolina to determine sale to underage rates of each delivery service and of alcohol delivery services as a whole.





## Methods: Sample

From September 2018 to January 2019, North Carolina Alcohol Law Enforcement (ALE) Special Agents conducted eighteen (18) alcohol compliance checks on alcohol delivery services. The compliance checks were conducted in the greater Charlotte and greater Raleigh areas of North Carolina.

## Methods: Buyers

Depending on their availability, one of two underage persons were used to complete the complete the compliance checks. One underage person was a youthful appearing, 19 year old, white male. The other underage person was a youthful appearing, 18 year old, white male. The 19 year old male was used in four (4) of the 18 compliance checks. The 18 year old male was used in 14 of the 18 compliance checks.

## Methods: Procedures

- Before scheduling the operations, research was conducted on apartment complexes in the greater Charlotte and greater Raleigh areas to check for vacancies and to ensure alcoholic beverages could be delivered in less than one (1) hour by each of the selected delivery services.
- Prior to beginning the compliance check operation, the underage person's identification was examined and it ensured the underage did not possess a fictitious identification. The underage persons were instructed to present their identification if requested by the courier and to answer all questions truthfully.
- Orders were placed for malt beverages online through Instacart, Postmates, Amazon, and Drizly's websites. If presented with an age verification prompt, a fictitious date of birth was entered to ensure an attempted delivery was made.

## Methods: Procedures

- After each purchase attempt was complete, all couriers were interviewed. Data gathered from the couriers included: name, age, sex, and prior experience working as an employee of an alcoholic beverage retailer in North Carolina. For the purposes of this study, an individual was considered working as an employee of an alcoholic beverage retailer if they had retail experience selling alcoholic beverages by working in a traditional brick and mortar ABC permitted establishment such as a convenience store, grocery store, restaurant, or bar/night club which held ABC permits under North Carolina General Statute 18B-1001.
- Although Amazon has brick and mortar establishments in Charlotte and Raleigh, which hold ABC permits under the trade name "Prime Now", employees of Amazon were not considered to have experience working in a retail alcoholic beverage setting. Amazon's business model is as a delivery service, not as a walk-in retail establishment. Amazon employees were only considered to have had experience working in an alcoholic beverage retail environment if they had worked for another ABC permitted establishment in North Carolina which fit the requirements in the above paragraph.

## Methods: Procedures

- After each interview was completed, the couriers were informed of the four acceptable forms of identification, pursuant to North Carolina General Statute 18B-302(d)(1), and reminded not to sell or give alcoholic beverages to underage and intoxicated individuals. If the courier completed the transaction with the underage person, the courier was provided with an oral warning.



# Potential Outcomes of a Compliance Check

1. Courier checks identification and denies the delivery.

Video 2



2018/09/08 15:19:13



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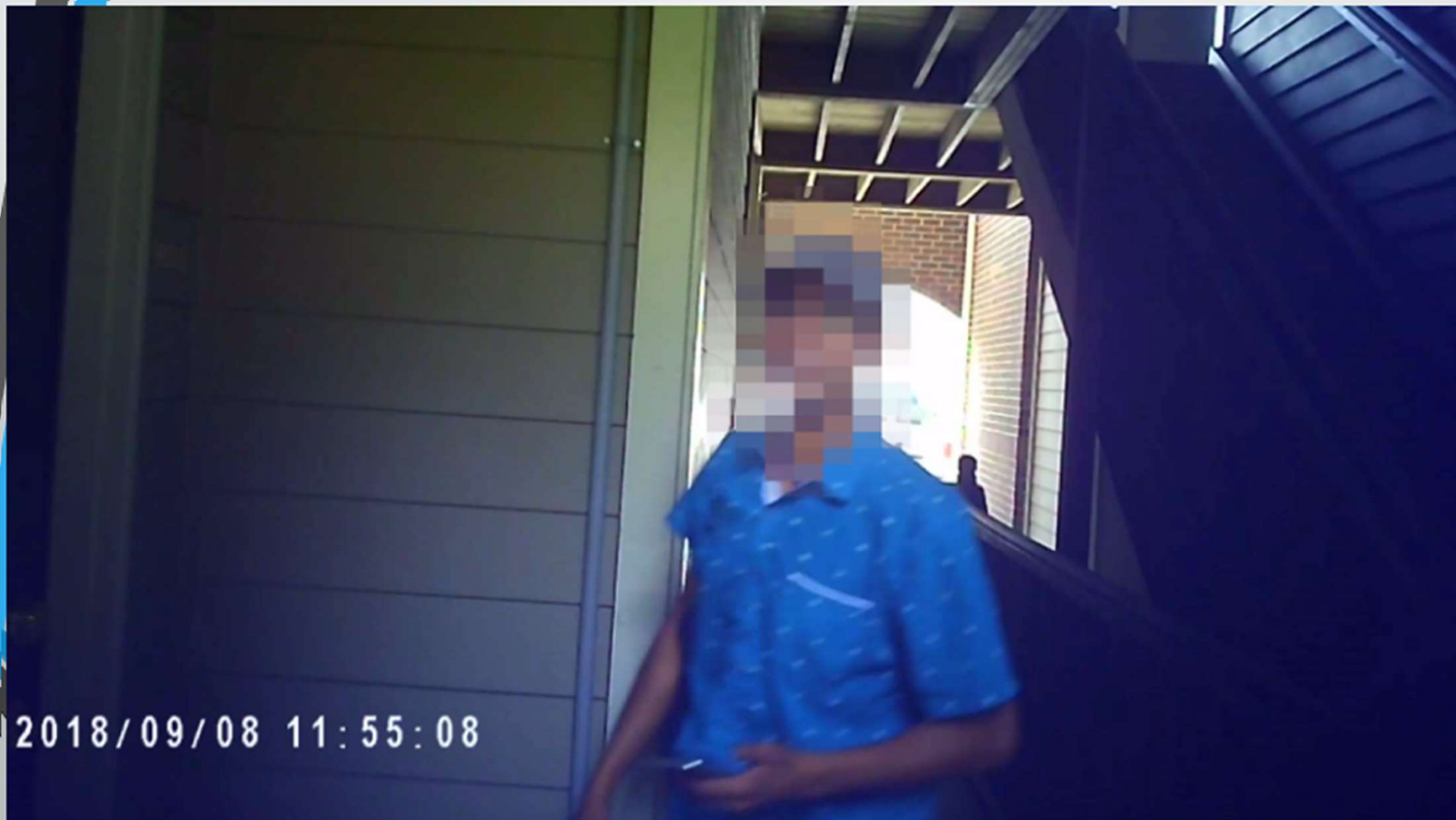


## Potential Outcomes of a Compliance Check

1. Checks identification and denies the delivery.
2. Courier relinquishes custody of the product, checks identification, does not pay attention to the delivery service application notification, and completes the delivery.



Video 3



## Potential Outcomes of a Compliance Check

1. Checks identification and denies the delivery.
2. Courier relinquishes custody of the product, checks identification, does not pay attention to the delivery service application notification, and completes the delivery.
3. Courier relinquishes custody of the product, does not check identification, and completes the delivery.

Video 4



## Potential Outcomes of a Compliance Check

1. Checks identification and denies the delivery.
2. Courier relinquishes custody of the product, checks identification, does not pay attention to the delivery service application notification, and completes the delivery.
3. Courier relinquishes custody of the product, does not check identification, and completes the delivery.
4. Courier relinquishes custody of the product, checks identification, and knowingly allows the underage to keep the product.

Video 1



2018/09/08 13:54:38

## Results

- Of the 18 compliance checks conducted, there were five (5) sales, accounting for approximately 27.78 percent of compliance checks. The underage person was handed the alcoholic beverage in ten (10) of the attempted purchases, approximately 55.56 percent. In half of those instances the courier retrieved the alcoholic beverage and informed the underage that the sale could not be completed. For the purposes of this study, a sale was not considered complete until the courier walked away from the apartment and the underage was in possession of the alcoholic beverage.

# Results

Delivery Service	Compliance Checks	Completed Sales	Times Alcoholic Beverage Handed To Underage (Excluding Sales)
Instacart	6	1	2
Postmates	5	3	1
Amazon	5	0	2
Drizly (Red Line Beer and Wine/Wine Feed)	2	1	0
Total =	18	5	5

Table 1. Number of alcohol delivery compliance checks, completed sales, and times alcoholic beverages were physically handed to the underage person per delivery service

# Results

- Identification was requested and presented to the courier in 16 of the 18 compliance checks. The underage person's age was requested in 6 of the 18 compliance checks. In every instance in which a courier requested the underage person's age, they also checked the underage person's identification. Out of the five (5) completed sales, identification was not requested and presented in two (2) attempts. In one (1) of the completed sales the courier scanned the underage person's identification; but, according to the courier, the courier did not look at the telephone screen to see the warning the underage person was not 21 years old or older. In another instance in which a sale took place, the courier asked for identification, but the courier did not scan the identification. In another completed sale, the courier requested the underage person's identification, scanned the identification, asked the underage person's age, made statements stating indicating he/she knew the underage person to be less than 21 years old, and still provided the underage person with the alcoholic beverage.



# Results

	All Compliance Checks	Compliance Checks That Ended In Completed Sales
Identification Checked	16	3
Identification Not Checked	2	2
Total =	18	5

Table 2. Rate of identification checked/no checked compared to all alcohol delivery compliance checks and alcohol delivery compliance checks which ended in sales

# Results

Delivery Service	ABC Retail Experience	No ABC Retail Experience
Instacart	2	4
Postmates	1	4
Amazon	0	5
Drizly(Red Line Beer and Wine/Wine Feed)	2	0
Total =	5	13

Table 3. Alcohol delivery couriers with ABC retail experience

Of the 18 alcohol delivery compliance checks, only five (5) of the couriers had ABC retail experience. Two (2) of the aforementioned five (5) couriers completed the alcoholic beverage sale.

# Results

	ABC Retail Experience	No ABC Retail Experience
Completed Sale	2	3
No Sale	3	10

Table 4. Number of completed alcohol delivery sales and no sales compared to ABC retail experience

# Concerns and Remedies

1. In over half of all of the cases, the underage person was handed the alcoholic beverage.  
Check identification before relinquishing custody of the alcoholic beverage.
2. Approximately 27.78 percent of compliance checks ended in sales.  
Check identification.
3. In one instance, the courier who made the delivery had a misdemeanor controlled substance conviction within the previous two years and would also be considered unsuitable pursuant to G.S. 18B-1003(c).  
Perform background checks.
4. In one of the completed sales, a courier knowingly gave the alcoholic beverages to the underage person.  
Hire trustworthy employees. Ensure employees know incentives for refusing a sale.

# Recommendations For Checking Identification During The COVID-19 Pandemic

- It is recommended the courier have the purchaser place their identification on a flat surface, such as a clipboard.
- The courier should establish an appropriate distance, as recommended by the CDC, from the purchaser to view the date of birth, compute the age, and scan the identification.
- While maintaining an appropriate distance, the courier should ask the purchaser to unmask in order to compare the individual's face with the photograph on the identification.
- Have the purchaser re-mask.
- Hand the identification back to the purchaser and either complete or deny the delivery.

# Questions?

Matt Stemple

North Carolina Department of Public Safety

Alcohol Law Enforcement Division

Assistant Special Agent in Charge

501 Industrial Avenue

Greensboro, NC 27406

Office: 336-256-1362

Cell: 919-418-9960

Fax: 336-256-1360

[matthew.stemple@ncdps.gov](mailto:matthew.stemple@ncdps.gov)

NEW ENGLAND PTTC (REGION 1)  
FRIDAY, SEPTEMBER 11 | 1:00 PM - 2:30 PM

## Contact Information:

### **Cassandra Greisen Turre**

Director of Public Policy, NABCA

Email: [cassandra.turre@nabca.org](mailto:cassandra.turre@nabca.org)

### **Carrie Christofes**

Executive Director, NLLEA

Email: [carrie.christofes@nllea.org](mailto:carrie.christofes@nllea.org)

### **Matthew Stemple**

Special Agent, NC Department of Public Safety,  
Alcohol Law Enforcement Division

Email: [matthew.stemple@ncdps.gov](mailto:matthew.stemple@ncdps.gov)

Thank  
You!

