



RECORDS RETENTION SCHEDULE



Prepared by
STATE RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives

RECORDS RETENTION SCHEDULE

Signature Page

Department of Alcoholic Beverage Control
Agency

June 11, 2009
Schedule Date

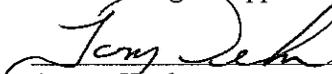
Unit

Change Date

June 11, 2009
Date Approved By Commission

APPROVALS

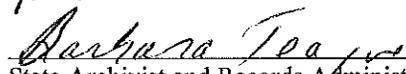
The undersigned approve of the following Records Retention Schedule or Change:


Agency Head

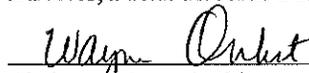
6/12/09
Date of Approval


Agency Records Officer

6/12/09
Date of Approval

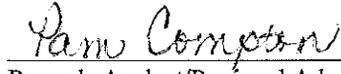

State Archivist and Records Administrator
Director, Public Records Division

6/11/2009
Date of Approval


Chairman, State Archives and Records Commission

6/11/2009
Date of Approval

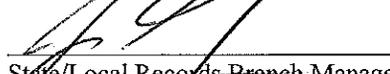
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:


Records Analyst/Regional Administrator

6/11/09
Date of Approval

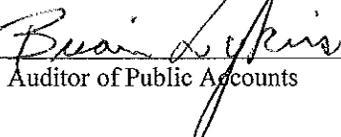

Appraisal Archivist

6/11/09
Date of Approval


State/Local Records Branch Manager

6/11/09
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

6-11-09
Date of Approval

**STATE AGENCY RECORDS
 RETENTION SCHEDULE**

Public Protection
 Alcoholic Beverage Control
 Accounts and Personnel

Series	Records Title and Description	Function and Use	Contents	Retention and Disposition Instructions
01040	Alcoholic Beverage Refunds	This series identifies the Alcoholic Beverage Control (hereinafter "ABC") refund records to clients who have made an overpayment, discontinued with an ABC services/products, denied an application, or have withdrawn an application. Per KRS 243.460, refund payments are made if at the expiration of thirty (30) days, no appeal has been made.	Series may contain: Mailing address; premises address and site number; amount of refund; Check Routing number of previous deposit; payment number and reason for refund.	Retain in Agency eight (8) years; destroy after audit.
01052	Alcoholic Beverage License Application File - (Retailers, package stores, wholesalers, distillers, vintners, rectifiers, solicitors, transporters, bonded warehouse) (V)	This series documents the licensing requirements to manufacture, store, sell, purchase, transport or traffic in alcoholic beverages, as required in KRS 243.030 and KRS 243.040. The series includes the licensing of retailers, package stores, wholesalers, distillers, vintners, rectifiers, bonded warehouses, solicitors and transporters. The file is inclusive of all activity associated with the revocation of a license, investigation of violations, non-renewal of licenses, voluntary surrender of licenses, and any other action which might impact the status of a license. All licenses must be renewed annually. If a license is revoked, the licensee has 30 days in which to appeal the decision of the Board. KRS 243.030 and KRS 243.040 establish the fee for the different license types.	Series may contain: the initial application; annual renewal information; affidavits; instructions for using license; copies of lease agreements if the property is not owned; citations; hearing information; hearing dispositions; diagram of location; list of corporate officers; changes in officers; bonds; copies of official orders; depositions	Retain in Agency for two (2) years after license becomes inactive; destroy.
01053	Distilled Spirits Quota Card File - (Inclusive of all license files except the Special Temporary License File (01059))	The Distilled Spirits Quota Card File is used to record information pertaining to 804 KAR 9.010 and 804 KAR 9.020. Licenses for retail drink, package stores and wholesalers are issued for a given geographical area, such as a city or town. The quotas are determined by the population of the area. Also, these licenses have a monetary value and can be sold when the business is sold; however, the new owner must meet all the licensing requirements before alcohol can be sold or trafficked in. The information is consulted before approving additional licenses for a city or town.	Series contains: license number; name and address of licensee; name of premises; initial issue date and subsequent renewal dates; total number of licenses which may be issued and the number which have been issued	Retain in Agency. Destroy when the respective license application file (Series 1052) is destroyed which is two (2) year after license becomes inactive.

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection
Alcoholic Beverage Control
Alcoholic Beverage Licensing

Series	Records Title and Description	Function and Use	Contents	Retention and Disposition Instructions
05875	Malt Beverage Brewer Brand Approval & Distributor Territorial Designation Agreement	This series identifies territorial designation agreements between brewers, suppliers and Kentucky distributors for specific brands per the requirements in KRS 244. The records are updated when changes are made to any of the agreements.	Series may contain: Brewer name, address, telephone and fax numbers, contact person, title, email address; supplier information, company name, address, telephone and fax numbers, contact person, title, license number, email address; brand information; territory information; signatures; brewer, title, date; importer or master supplier, title, date; Kentucky beer distributor, title, date, person signing; distributor being replaced, title, date, Kentucky ABC license number	Retain permanently in Agency and update as needed
01031	Alcoholic Beverage Control Board Final Order Books - (Shows disposition of cases heard by the Alcoholic Beverage Control Board)	This series identifies the Final Orders and Opinions issued by the Alcoholic Beverage Control Board regarding cases concerning alcohol and tobacco violations pursuant to KRS 241.060 (3) and (4), 241.150, 241.200, and 241.260.	Series may contain: Show Cause Orders, Final Orders, Amended Final Orders, Orders of Destruction of Contraband, Reschedule Orders	Retain permanently in Agency.
01037	Final Order on Cases Appealed to Higher Court - (Circuit Court or Court of Appeals Cases)	This series documents the official copy of proceedings for each legal case presented in the jurisdiction of the Circuit Court, Court of Appeals or a Federal Court on an appeal from the Alcoholic Beverage Control Board.	Series may contain: written transcripts of legal cases; other legal documents of court cases presented	Retain in Agency ten (10) years; destroy.
05526	Server Training in Alcohol Regulations Training Class (V)	The Server Training in Alcohol Regulations (S.T.A.R.) was designed to assist the servers and sellers of alcoholic beverages to obey the statutes and regulations pertaining to alcoholic beverages and to be responsible servers. The classes, which are available to anyone, are held across Kentucky. The class date, list of attendees and payment for the class is compiled and kept in an Access database. A test is administered at the end of the class and, upon receiving a passing grade, a 3 year certification is issued to the attendee. A recertification program allows the server/seller to obtain an extension of their certification for an additional 3 years. In addition, KRS 243.480 (2) allows the ABC Board to order training in lieu of suspension due to violations of Chapters 241 - 244 of the Kentucky Revised Statutes.	S.T.A.R. class date and time, location of the class, original sign-in sheet, each individual's test, and registration forms.	Retain in Agency and destroy four (4) years from date STAR Training class was completed; destroy.

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection
Alcoholic Beverage Control
Education

Series	Records Title and Description	Function and Use	Contents	Retention and Disposition Instructions
05869	Server Training in Alcohol Regulations (STAR) Instructor File	This series identifies the history of a contract instructor for the Server Training in Alcohol Regulations (STAR) Training Program. STAR is an Alcoholic Beverage Control specific training for the licensees, administrators, servers and sellers of alcoholic beverages by providing them with current information on responsible selling, liability and altered identifications.	Series may contain: Copies of the STAR Instructor Responsibilities Information Sheet, Instructor Supplies Information Sheets, copy of Personal Service Contract, equipment loan sign out, correspondence, fee and invoice information, and evaluations	Retain in Agency one (1) year after date of ABC Contract termination; destroy.
01063	Alcoholic Beverage Control Enforcement Case Reports	This series identifies investigative reports that include a detailed explanation of the circumstances that caused a law or regulation to be violated. Examples of investigations that would require a case report would be those with multiple witness statements, exhibits, large quantities or evidence, all felonies, all Operation Zero Tolerance cases and any investigation presented to the ABC Board.	Series may contain: case number, complaint number, name of person, name of business, ABC license number, mailing address, exact location, county name, date and time of violation, date and time of investigation, person in charge of business, arrest information, offense, ABC investigator name and badge number, date of report, review sign off	Retain in Agency for ten (10) years after case is closed; destroy.
01064	Agents' Daily Report	This series identifies the daily activity report of an Alcoholic Beverage Control enforcement agent that is completed, signed, and submitted to the Frankfort office as official documentation of the work performed on that specific day.	Series may contain: Time to and from, number of hours and miles to each vicinity and destination worked, information regarding the findings of the visit, documentation of activity, investigator signature, date	Retain in Agency for one (1) year; destroy.
01065	Field Reports (C) KRS 61.878 (1)(a) re personal information	This series identifies records of an on-site interview of an alcoholic beverage licensing applicant pursuant to provisions of KRS Chapters 242 through 244 and are conducted by an Alcoholic Beverage Control Enforcement Agent. This series includes background and personal information and verification of address. A detailed drawing (interior/exterior) of the building is also included.	Series may include: applicant/DBA address, person interviewed, title, DOB, SSN, Operator's License #, information about the applicant and the type of establishment to be licensed, investigator signature and badge number, date	Retain in Agency and upon completion, move to Licensee Application File (#01052).

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection
Alcoholic Beverage Control
Enforcement

Series and Description	Function and Use	Contents	Retention and Disposition Instructions
01066 Uniform Citations - (Duplicate) (C) KRS 61.878 (1)(a) re personal information (V)	This series identifies the uniform citation which provides an uniform mechanism to report violations of KRS 241 through KRS 244 (alcoholic beverage statutes) and KRS 438.300 - 438.350 (sale and distribution of tobacco products). The citation information is also entered into the Kentucky Open Portal System (KyOPS) for statistical purposes and is maintained by the Kentucky State Police. The Uniform Citation may be issued either in paper or electronically.	Series may contain: Agency, name, address, ID type and number, social security number, date of birth, sex, race, place of employment/occupation of person being cited, vehicle information, date, time, and location of the violation, charge information, post-arrest complaint, name of witness (Investigator), officer signature, badge/ID number, control number	Retain in Agency for one (1) year after final disposition of case; destroy.
01068 Complaint Form (C) KRS 61.878 (1)(h)	This series identifies complaints from the public about establishments in violation of Chapters 241-244 of the Kentucky Revised Statutes and title 804 of the Kentucky Administrative Regulations relating to the manufacture, sale, transportation, storage, advertising and trafficking of alcoholic beverages and KRS 438.300 - 350 relating to the use, display, sale, or distribution of tobacco products. This form, ABC Form 716, is used to initiate an investigation into the allegation, track the progress and the final outcome. If no wrongdoing is found, the complaint is closed. If a citation is issued, a fine or board hearing results.	Series may contain: Information whether the premise is licensed or not licensed or in dry territory, time, date and method the complaint was received and who received it, complainants address and phone number, information on the suspected violator, name, DBA, License number(s), address, county, number of complaints, investigator and date assigned, best time to investigate, preliminary date investigative is due, results of the preliminary investigation, upgraded to a case (yes or no), date and case number. Signatures of investigator, supervisor, comments and dates.	Retain in Agency two (2) years after resolution of investigation/case; destroy.
05529 Tobacco Compliance Checks (V)	This series records the information obtained by an Officer while conducting attempts to purchase tobacco products by minors and is used for preparing reports documenting the percentage of sales to minors. These checks are done monthly. The Officer and Supervisor randomly decide which outlet to check.	This form, TOB 04/27/06, includes the following information: city, city number, county, county number, name and address of the tobacco outlet, type of the tobacco outlet, date and time of visit, location of tobacco in the outlet, whether the seller/clerk made a sale to a minor, type of tobacco requested, whether the minor was asked their age or for an ID, sex and approximate age of the clerk, sex and age of the minor, Investigative aide ID number, Investigator signature.	Retain in Agency two (2) years after completion of investigation/case; destroy.

STATE AGENCY RECORDS RETENTION SCHEDULE

Public Protection
Alcoholic Beverage Control
Enforcement

Series and Description	Function and Use	Contents	Retention and Disposition Instructions
05530 Tobacco Violation Warnings (C) KRS 61.878 (1)(a) (V)	<p>This series represents warnings issued to tobacco sellers who are juveniles or in cases of extenuating circumstances, when the issuance of a tobacco citation is inappropriate. An example of extenuating circumstance is if a new employee has not yet been trained on spotting underage buyers. A warning has no punishment attached. A citation has the punishment of a fine or a hearing before the ABC Board.</p>	<p>This form, Tobacco Warning Notice Form ABC 667B, includes the following: type of violation; violator name and address; violation statute or regulation; details of violation; name, date of birth, Operator's License number or Social Security number of person receiving notice; Investigator signature and unit number; date and time issued.</p>	<p>Retain in Agency two (2) years after completion of investigation/case; destroy.</p>
05531 Tobacco Citations (C) KRS 61.878 (1)(a) (V)	<p>This series is used to document violations of KRS 438.300 - 350, which prohibits the sale of tobacco products to any person under the age of 18 and other violations listed in the statute. A citation may result in a fine or a hearing before the board.</p>	<p>Tobacco Administrative Citation form includes the following: name, home phone number, alias, emergency phone number, address, date of birth, sex, race, height, weight, hair color, eye color, social security number, and operators license number of violator; name and mailing address of business; violation date and time; city; city code; county; county code; statute number; charge; plea; disposition; court hearing date; time and location; age and sex of purchaser; type of sale; type of outlet; description of violation; whether evidence was held and location held; witness name and address; Investigative Aide number and address; Investigator signature and unit number; control number; year.</p>	<p>Retain in Agency five (5) years after completion of investigation/case; destroy.</p>
05870 Licensee Financial Records for Audits	<p>This series identifies copies of a licensee's financial records for purposes of conducting audits to determine if the licensee is in compliance with the terms and requirements of their license per KRS Chapters 242 - 244. The records may be voluntarily presented to the Alcoholic Beverage Control designee or seized by the investigator or secured through subpoena.</p>	<p>Series may contain: Vendors' invoices, sales records, menus, cash register tapes, guest checks, inventory counting sheets, inventory records and bank statements</p>	<p>Retain in Agency and destroy or return to licensee thirty days after completion of all legal proceedings and Order by Alcoholic Beverage Control Board.</p>
05871 Licensee Audit Report	<p>This series identifies the Licensee Audit Report from information contained in Series 05870 (Licensee Financial Records for Audits). The Alcoholic Beverage Control Board reviews the Audit Report to determine if the licensee is in compliance with the terms and requirements of their license per KRS Chapters 242 - 244. After review by the Board, the record is transferred to the Enforcement Case File (01063).</p>	<p>This series may contain: Vendors' invoices, sales records; menus; cash register tapes; guest checks; inventory sheets; inventory records and bank statements.</p>	<p>After Board review, records are transferred to Alcoholic Beverage Control Enforcement Case Report (Series 01063), retained in Agency, and destroyed ten (10) years after case is closed.</p>