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ON THE COVER
Photo credit: Gaby Esenstein

OUR MISSION

CH&LA is the indispensable resource for communicating and protecting the rights and interests of the California lodging industry, for providing educational training and cost-saving programs for all segments of the industry, and for supporting strategic alliances to promote the value of California tourism and travel.



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THE LODGING INDUSTRY IS CONSTANTLY facing unnecessary and burdensome legislation and regulations. In protecting the rights and promoting the interests of the lodging industry, CH&LA is constantly tracking legislation, regulations and legal cases that could affect the industry. This past year, CH&LA has been active in advocating at the local, state, and national levels of government.

CH&LA was pro-active in supporting legislation that would have regulated short-term rentals and instituting a total compensation for tipped employees. CH&LA also advocated against bad bills and regulations and participated in a legal effort related to the hotel-only minimum wage.

CH&LA's advocacy efforts have been successful in stopping bad legislation and CH&LA is working with legislators and regulatory agencies to make it easier for hoteliers to do business in the state. Advocacy strategies including writing letters, joining coalition letters, attending meetings with legislators and staff, providing testimony at committee hearings, and seeking the Governor's veto on CH&LA's priority legislation are all vital efforts to CH&LA's advocacy strategy.

Another advocacy strategy is through CH&LA's political action committee (CHALPAC). The contributions received by CHALPAC are disbursed to candidates and incumbents at the state and local level who show the most promise of understanding and promoting the interests of the state's lodging industry. A contribution to CHALPAC enables CH&LA to help elect candidates that are both knowledgeable about our industry and supportive of our interests.

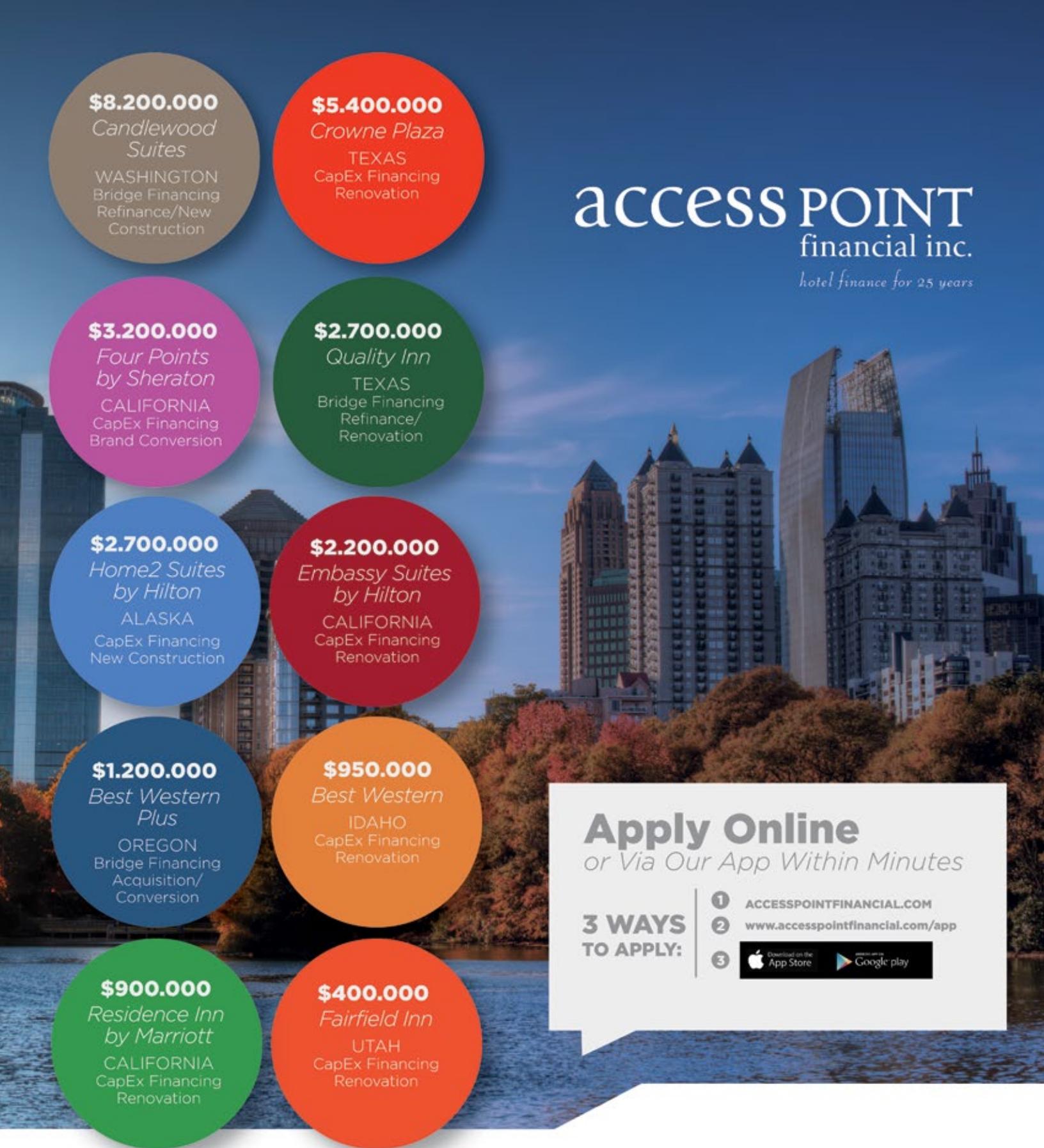
CH&LA's advocacy efforts are only possible with your membership and participation. I urge you to be active and participate in advocating for the industry. You can help make a difference in influencing legislative and regulatory decisions by reaching out to local elected officials and contributing to CHALPAC. Please go to www.calodging.com/advocacy/ to see what you can do to today to advocate for the industry. ★



René Boskoff
Government & Legal Relations
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The Keys to Leadership Success



Join CH&LA on May 12 & 13 at the Fairmont Grand Del Mar for our 3rd Annual Hotel Owners Conference

The opening reception, sponsored by BMI, starts Thursday, May 12 at 6:00pm. Not only will it include delicious hors d'oeuvres and beverages, but also a special performance by Grammy nominee **Steve Dorff**.

The conference continues Friday, May 13, with discussions related to industry trends, leadership, and technology.

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Minimizing Allergy Risks in the Hotel Cocktail Lounge Environment

By William E. Adams, Michelman & Robinson, LLP

A RISING PERCENTAGE OF AMERICANS suffer from food-related allergies, and while efforts to warn of potential food allergies have become commonplace in restaurants, the issue gets surprisingly little attention in bars or lounges. Yet, the effect on business could be devastating to a lounge if word got out that a patron suffered a severe allergic reaction to one of its drinks. Even worse, the lounge could be held liable. Fortunately, bar and lounge owners can take steps to protect themselves from just such an outcome.

In recent years, the food industry has recognized the need to mitigate allergy risks as the percentage of the population that suffers from food allergies has been on the rise. The FDA estimates that there are as many as 30,000 visits to the emergency room each year due to severe food allergies. The Food Allergy and Anaphylaxis Network estimates

that between 150 and 200 Americans die every year because of allergic reactions to allergens contained in food.

In response to this phenomenon, restaurant menus now frequently include warnings regarding foods containing nuts. Additionally, restaurant wait staff often ask, upon greeting a table, whether patrons have any food allergies. This same level of diligence is generally not practiced in the bar and cocktail lounge environment.

Many lounge operators, and guests, remain unaware or indifferent to the fact that their libations and/or garnishes often contain some of the most common triggering ingredients. Milk, tree nuts, peanuts, egg and wheat are among the most common allergies in the U.S., and frequently find their way into beer and cocktails. For instance, milk is an ingredient in the popular White Russian cocktail, while

almonds are present in amaretto and some brands of gin. Wheat is often found in beer, and hazelnuts are an ingredient in Frangelico.

Therefore, one could argue that the risk of experiencing a severe allergic reaction is, in fact, higher at a cocktail lounge than at a restaurant. Consider the following:

- While a careful and discerning sufferer of food allergies may inspect a menu for risky foods, that same person's level of care and judgment in verifying the ingredients of a mixed drink, spirits, wine or beer may be lower after consuming alcohol.
- While many restaurants train their kitchen and wait staff to inquire about food allergies, the same is generally not the case with cocktail waitresses and bartenders.

- The presence of alcohol may influence the rate of absorption of food allergens into the body, potentially intensifying the level of reaction to the allergen.

In addition to these enhanced risks, the presence of potential food allergens may simply not be as intuitive as one might think at first blush. For example, tree nuts are frequently used, but not advertised, in some specialty beers (particularly seasonal ales). Likewise, eggs are used to create "froth" on top of an increasing number of mixed beverages.

The risks go beyond just the overt ingredients in the drink itself. For example, in 2013 a report that was published about a 47 year old who suffered from repeated episodes of anaphylaxis, allergic rhinitis and asthma after consuming gold, but not silver, tequila. Researchers ultimately determined that she was suffering from an allergic reaction to an oak protein found in the oak barrels in which the tequila had been aged.

Some people have a rare allergic reaction to barley that prevents them from enjoying beer. Interestingly, the people that experience this allergic reaction do not experience the same result when consuming other barley-containing foods, such as bread. It is suspected that the fermentation of barley somehow changes the protein to generate food allergies.

With these enhanced risks, one might expect that bar and lounge owners would be vigilant in seeking to warn and prevent allergic reactions in their patrons, but in fact, bar and lounge menus rarely include language warning customers to consider food allergies, and bartenders and cocktail servers usually do not have any kind of food allergy training.

This is a mistake, as business could be negatively affected if a lounge's patrons were to suffer a severe allergic reaction to one of its drinks. Beyond the adverse impact on business, there are also liability issues to consider. If a patron specifically identified a particular food allergy and sought and obtained assurances that the drink she ordered did not contain that ingredient, and then she suffered a severe allergic reaction because the assurance that she received was wrong, then the bar or lounge could be held legally liable for her

injuries on a theory of breach of express warranty.

As such, when serving alcoholic beverages, bars and restaurants should consider the following:

- Liability will attach to the preparation and serving of mixed drinks, as much as for the preparation and service of food products.
- Staff should be required to clean out shakers between orders as cross contamination could occur when bartenders mix different kinds of drinks in the same shakers.
- Warning labels should be included on drink menus.
- Wait staff should be trained to inquire whether patrons have food allergies, and the bartender should be trained to explain all ingredients in the beverages he serves.
- The entire staff should be trained in first aid and notification procedures for

contacting medical professionals in the event that a customer experiences an allergic reaction on bar premises.

The good news is that both the packaged food and restaurant industries have taken steps that can be replicated by bars and lounges to reduce both the potential for incidents involving an adverse allergic reaction, or potential liability in the event of such an incident. Bar and lounge owners would be well-advised to educate themselves, and their clientele, on potential allergy issues associated with their drinks well in advance of an incident occurring. Do not let your hotel bar get hammered by lawsuits. ★



William E. Adams is Managing Partner of Michelman & Robinson, LLP's (M&R's) San Francisco office and a member of the firm's Hospitality Industry Group. He can be contacted at 415.882.7770 or badams@mrlp.com.

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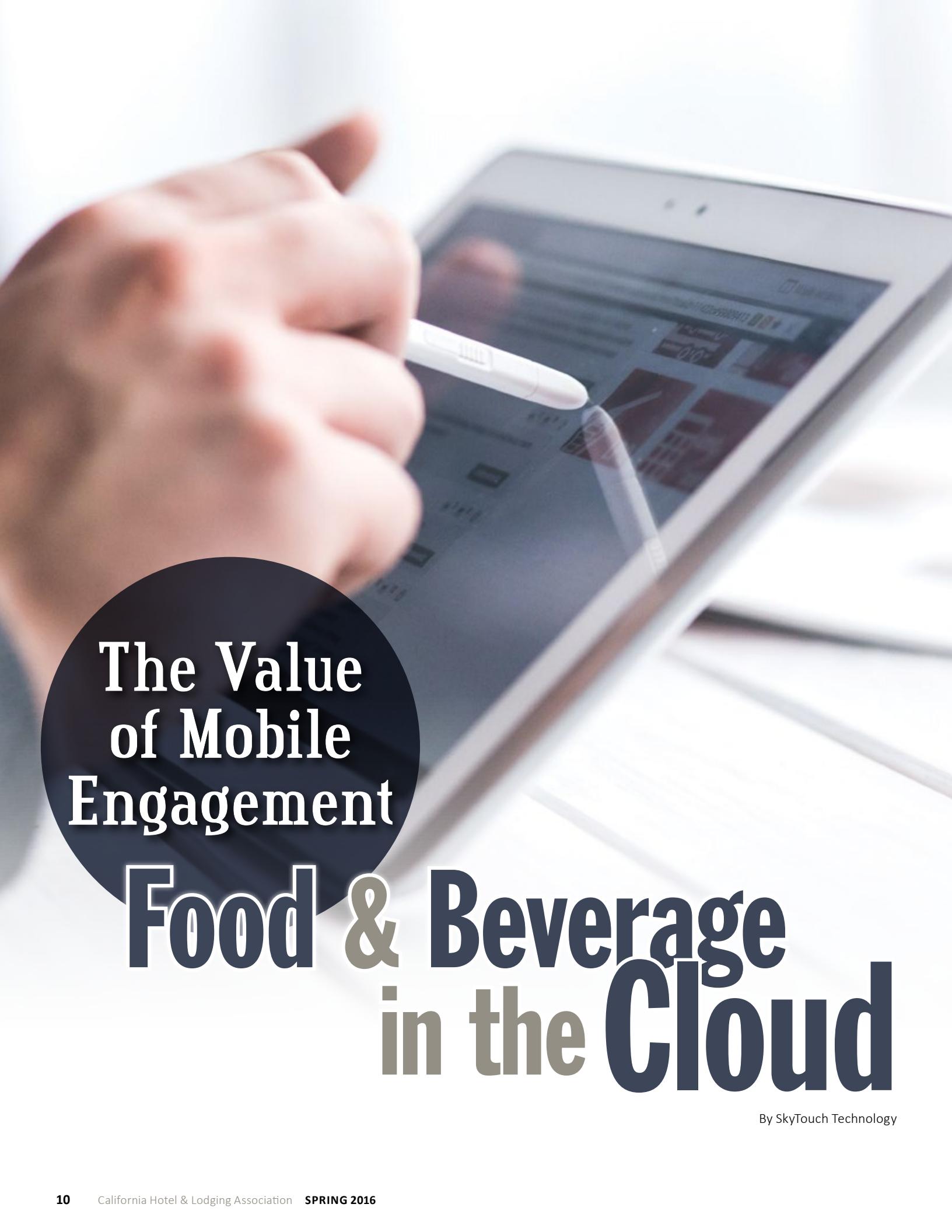
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ALREADY discovered how cloud-based technologies found within today's more advanced property management systems are offering hotels the opportunity to track every aspect of their operations via the internet in real-time using any mobile device.

What they may not realize is that the same cloud technology also infuses mobility, convenience, and efficiency into the food and beverage (F&B) function—one of the most challenging areas of hotel management. This is done via mobile point-of-sale (POS), and executed on tablets and smartphones. Today's cloud-based, mobile POS technology can present hoteliers with an extraordinary opportunity to create brand value, while helping to deliver a more memorable guest experience. Mobile POS can also help to boost productivity among staff and help drive revenue. Freed from fixed POS terminals, hotel managers can now remotely access their property's F&B activities, giving them a fuller picture of their daily operations from wherever they are, allowing them to set strategic pricing and capture valuable guest data, all while providing the opportunity to achieve a better work-life balance.

Meeting the Needs of Mobile Guests

As increasingly tech-smart guests manage most aspects of their lives and travel from their tablets and smartphones, more customers today expect mobile-optimized capabilities at hotels for things like check-in and upgrade opportunities. Mobile POS can help meet this expectation for F&B. Orders and requests can be taken and submitted from virtually anywhere on the property, including from the guest's tablet or smartphone via a room-service app. Whether from the privacy of their room, a cozy cabana lounge, or in the middle of a couple's massage, guests are free to linger over colorful menu images and make choices at will. And as guest request flow is kept running

more freely, revenue flow can often run more freely as well. In addition, many such apps can be made to connect to hotel reward programs, which in turn can be tied to existing guest databases, saving precious guest preferences for future experience customization and promotion.

Enhanced Guest-Staff Engagement

One of the many valuable benefits of mobile POS for a hotel is the freedom it can give wait staff. No longer queued up at fixed terminals, staff can help provide a better guest experience as they may have more flexibility to spend time with guests, getting to know their likes and dislikes. This new intimacy can lead to the ability to suggest customized extras like a local wine for an anniversary, a special dessert to cheer up a tired traveler, or a seasonal prefix menu for taste adventurers. Such personalized service can translate into increased guest loyalty. This is because every time a guest is "touched" by the hotel in some way, it is one more opportunity to make their stay more personal and memorable—in other words, better. And in doing so, opportunities for revenue can increase. According to Gallup's 2014 hospitality report, there's a very strong link between guests' feelings of being taken care of and their level of customer engagement. And, also according to the study, this engagement corresponds directly to the amount of money they spend per visit as well as to their overall view of the hotel itself.

Freeing Up Management-Increasing Efficiency

Since managers can access real-time information with mobile POS from their tablet or smartphone, they can get a better idea of what's going on with their F&B business without having to interrupt hotel work flow. When there are the often unpredictable, last-minute customizations to the menu, or changes in seating, or a special-needs request from a guest, a manager can communicate such events to the staff instantly and

discreetly. In addition, comprehensive F&B reports that normally would have to be run at the end of the night (so as to not tie up a fixed terminal) can instead be run at regular intervals throughout operating hours, giving a truer picture of current, actual conditions. In general, remote access can get managers more accurate information quicker, helping them to make better-informed decisions for staff and guests. And since mobile POS information can be accessed from anywhere, restaurant managers can stay on top of things even while on vacation, or at home with their families, helping to enhance a better work-life balance while maintaining hotel efficiencies.

Sharing the Joy

Guests who enjoy the freedom of mobile POS on their tablets or smartphones and who feel they have been well taken care of can also offer additional advantages to hotels beyond money spent and future loyalty. Since they generally have a strong emotional attachment to the hotel brand they visit most often, they tend to promote it among friends, family, and co-workers. To encourage this, mobile POS apps used for F&B transactions can also be designed to contain handy links that allow guests to share their travel experience almost while it's happening by posting photos, comments, and reviews to social media like Instagram, Twitter, Facebook, and the all-important Trip Advisor.

Making the most of cloud-based mobile POS is more than a trend. It's a method of hotel interaction that is here to stay. Used to its full benefit, it is one that can help hotel businesses not only keep up with guest expectations now, but possibly anticipate them for the future, helping to increase guest engagement and hotel loyalty for years to come. ★

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CH&LA Board Member Peggy Mosley Passes Away

IT IS WITH GREAT SADNESS to announce that California Hotel & Lodging Association (CH&LA) Board Member Peggy Mosley has passed away. Ms. Mosley, owner of the Groveland Hotel in Groveland, CA opened the hotel in 1990 as a retirement venture where she and her husband worked to restore the hotel back to its original splendor. In 1994, the property was added to The National Register of Historic Places.

Ms. Mosley had been an active member of CH&LA since 1993. She had been on the Board of Directors since 1997 and was the Chair of CH&LA in 2008. She had also served on several committees, including the Government Relations Committee, Member Services and Nominating Committees. Ms. Mosley was also a founding member of the California Association of Bed & Breakfast Inns (CABBI) in 1991 and was a member of the CABBI Council, the volunteer leadership group composed of 13 California innkeepers that guide the association.

"Peggy was part of the foundation of our industry and gave tirelessly to the betterment of our industry through education and community involvement. Her passion for the industry is a great example to all others." said Lynn S. Mohrfeld, CAE, President & CEO of CH&LA.



In 2012, Ms. Mosley was inducted into the CH&LA Hall of Fame. The Hall of Fame award is CH&LA's most prestigious honor, presented to California hoteliers or industry executives recognized for outstanding contributions of leadership, service, and professionalism to the California lodging industry and the community at large.

Before she began her career in hospitality, Ms. Mosley was a computer programmer in the Air Force Civil Services and was the first female manager for Lockheed Aerospace Corporation in 1977. She was also a flight school owner, Junior College professor, California real estate salesperson, and she held the designation of being a Kepner-Trego Problem Analysis & Decision Making Program Facilitator. ★

Are members of your staff eligible for a Working Professional Scholarship?



THE CH&LA EDUCATION FOUNDATION Working Professional Scholarship Program offers scholarships (50% of activity costs up to \$1000) to an employee of a CH&LA or CABBI member property, for professional development activities within the hospitality industry. Professional development includes classes through community colleges and universities as well as certifications through the American Hotel & Lodging Educational Institute.

We encourage general managers and human resource managers to remind staff, who are taking hospitality classes to further their careers that they may be eligible to apply for a Working Professional Scholarship. For more information about the scholarship application process, go to: www.calodging.com/education/education-foundation/. *

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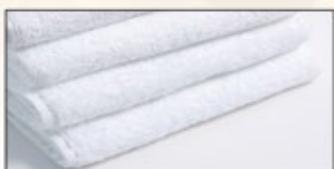


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HOTELIER PROFILE



Bernd Liebergesell Executive Chef, The Westin St. Francis

Tell us a little about yourself and background.

I started hotel school at the age of 14 in Kassel, Germany. That's where I was first exposed to the names and locations of hotels all over the world. My parents wanted me to stay in our small town to become a banker but secretly I would fill out applications for culinary apprenticeship programs in Germany, Austria and Switzerland. When I began receiving offers from schools, my parents realized how serious I was about becoming a chef, and reluctantly let me go 200 miles away to Frankfurt to work at a small boutique hotel. At the time I was only 16 years old. The hotel offered me room and board and I worked split shifts from 8 a.m. to 2 p.m. and 6 p.m. to 10 p.m., six days a week for three grueling years.

I graduated in the top three of my class and landed my first job as a station cook in a resort in Baden, Germany. I also had a short career as a cook on a naval ship where I cruised to the United States, and this is where my love affair began with America. When an opportunity

arose in Johannesburg, South Africa for a line cook at a Westin hotel, The Carleton, I took it without hesitation when the executive chef promised that he would help me move to the US. Looking at all the brochures, the words "San Francisco" and "St. Francis" caught my eye and it was then that I vowed someday I would work at this most prestigious hotel.

After being promoted to executive sous chef, I was able to transfer to the Westin Ilikai Hotel on Waikiki Beach. What better place to land than the Aloha State of Hawaii! It was here that my career in the US took off, and over the course of the next few years, I worked at several more Westin Hotels in Houston, Denver and Pittsburgh. My final destination was The Westin St. Francis and I've happily been here ever since.

How long have you been the Executive Chef/Director of F&B at The Westin St. Francis, San Francisco?

I became Executive Chef of The Westin St. Francis in August 1991. It's been an amazing



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experience working at such a grand and historic hotel.

What is your favorite part of being the Executive Chef?

I love the daily interaction with my staff in creating new and exciting recipes and special food presentations for our restaurants and banquet facilities. We have customers visiting us from all over the world and we like to treat them to a taste of San Francisco's incredible culinary world. Over the course of my career at The Westin St. Francis, I have had the amazing opportunity to create special menus for many royalty, dignitaries and celebrities including the Emperor of Japan, Queen Elizabeth, former President Clinton and Hilary Clinton and President Obama.

What are the important skills and traits for an executive chef to have?

A strong culinary background is necessary. Having strong interpersonal skills is crucial to managing a diverse work force.

What challenges have you encountered in your position?

It can be challenging when we don't receive a group's food and beverage requirements within the advised timeline. It's our constant goal to accommodate food preferences, and the more advance time we have, the better job we're able to do.

Although we have more consistency than many hotel culinary teams, we work as a very tight team so any time we have a staff member leave it presents a challenge.

What is a typical workday like for you?

Being ahead of the game is a major priority in my daily routine. I start each day by meeting with my culinary staff to discuss our top priorities, the groups we have coming in, special menu requests, etc. I attend a lot of planning meetings throughout the day. The Westin St. Francis is an extremely busy hotel

so our culinary team is always creating custom menus for groups of several hundred people.

What advice do you have for those interested in entering the hospitality industry?

It is very important to gain experience by working in a variety of restaurants. Chefs who are new to the industry should not be afraid of switching jobs in order to learn new techniques from different chefs. On a personal level, it's also very important to foster good working relationships with colleagues and to not allow egos to get in the way.

Have you won any awards?

Yes, I am so honored to have been voted "Chef of the Year of the Pacific Coast" by the American Culinary Federation. I have won the "Inspirational Award" from Westin, and the "Antonine Careme" medal from the Chef's Association of the Pacific Coast. In 2012, I won the California Hotel's & Lodging



Association's "Stars of the Industry" award for outstanding manager of the year, and "Lifetime Achievement" award at the San Francisco Hotel Council's Hotel Heroes annual awards.

What is your favorite type of food to cook?

That is like asking me who is my favorite child (chuckling). As a chef, I love all the foods that I get to work with. Especially seasonal products—they are simple, healthy and fresh. ★

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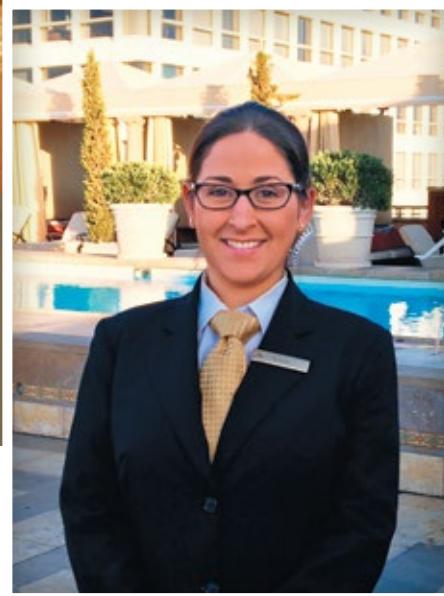


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HOTELIER PROFILE



Tell us a little about yourself and background.

I grew up in Fullerton, California and moved to LA in 2009 to begin my Masters Program in Art History at California State University, Los Angeles. I enjoy living here because I have a passion for food, being outdoors, the beach, and spending time at local art museums. I also love giving back to various philanthropic organizations. Our associate-driven volunteer program, Hearts of Montage, organizes a trip to Tijuana, Mexico every year in conjunction with the Corazon de Vida Foundation to support the orphans of Baja. I have volunteered with CDV since 2004 and am grateful that we have such giving associates.

How long have you been a banquet server at the Montage Beverly Hills?

I joined Montage Beverly Hills in the summer of 2010 in the Banquet Department. I had the



Laura Ybarra

Banquet Server, Montage Beverly Hills

good fortune of meeting Montage Beverly Hills' leadership team during an event they were hosting at my former job and learned about the company through the hotel's Banquet Director. He later reached out and invited me to join his team as an on-call banquet server. I have since grown with the department and property to take on my current role of a departmental trainer and Lead Banquet Server.

What is your favorite part of being a banquet server?

I love that every day is different which allows me to continue to grow and learn in my career. I also work with a dynamic team of associates and managers in my department who keep my job fun and interesting.

What are the important skills and traits for a banquet server to have?

A genuine sense of urgency is crucial to being successful as a banquet server more than anything. It is also important to always remember that the guest's experience is the first priority. Lastly, a banquet server must be adaptable and able to think on their feet.

What challenges have you encountered in your position?

I like to think of any challenge I face as an opportunity. Currently, I would say that my biggest learning opportunity exists in my role as Banquet Department Trainer. Montage Beverly Hills attracts a very diverse, intelligent group of associates. Therefore, I tailor training to each individual's background and learning style.

What is a typical workday like for you?

There is not a typical work day for a banquet server which is part of what makes my job so great and exciting. Our property has a wide range of beautiful event spaces. That, along with our location in Los Angeles, enables us to host remarkable events that we are fortunate to have here at the hotel.

What advice do you have for those interested in entering the hospitality industry?

Wear comfortable shoes! There is never a dull moment in hospitality, and one must be prepared! ★

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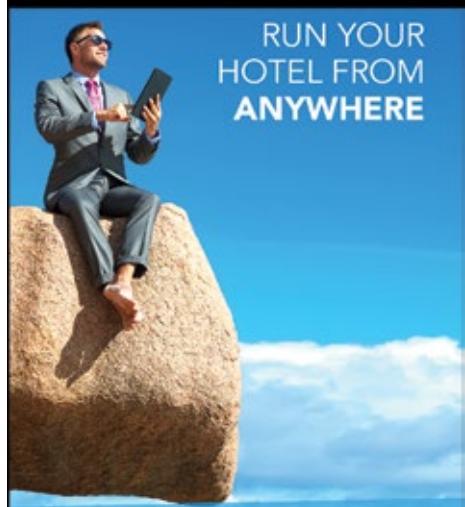


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15TH ANNUAL LEGISLATIVE ACTION SUMMIT

ON WEDNESDAY MARCH 2, 2016, CH&LA, AAOHA, and CABBI hosted their 15th Annual Legislative Action Summit (LAS) at the Sutter Club in Sacramento, CA. Participants attending represented over 50 different hotels, resorts, universities, development companies, vendors, management, and hospitality groups.

Speakers at this year's summit included State Senator Mike McGuire, Michael Jacobson with the U.S. Travel Association, Chip Rogers with the Asian American Hotel Owners Association and Marty Wilson with the California Chamber of Commerce.

The LAS highlights provided the opportunity for attendees to understand how the legislative process works in Sacramento and to learn what the critical legislative issues facing our industry are.

After lunch, attendees went to the Capitol and focused legislators on the important contributions the hospitality industry makes to California's economy and addressed the important issues the industry is following.

CH&LA drew attention to two major issues being considered in Sacramento that are important to the industry and to workers and local communities where they operate.

HUMAN TRAFFICKING: Hotels play an important role in fighting human trafficking and have worked to increase awareness of this important issue. Through currently available resources, hotels are encouraged to establish procedures and policies to determine how to best address these terrible crimes. CH&LA is closely watching proposed legislation and looks forward to proactively ensuring that any final legislation is effective, while not being overtly onerous to the hotel and lodging industry.

SHORT-TERM RENTALS: Hoteliers simply want a level playing field with short-term rental platforms. Short-term rentals are very much a commercial enterprise with as much as 40% of the revenue from platforms being derived by commercial businesses, which are essentially running illegal and unregulated hotels. Additionally, short-term rental platforms have largely refused to cooperate with local municipalities, compounding the issues of regulation and enforcement.

The Legislative Action Summit once again gave hoteliers the opportunity to advocate on CH&LA's behalf and let the legislators know how vital the hospitality industry is to California. ★



THE 2016 INNSPIRE CONFERENCE & TRADE SHOW, hosted by CABBI, was held January 31–February 2 at the Monterey Marriott. Conference attendees experienced several days of unparalleled educational workshops, master classes and the largest trade show in InnSpire history.

This year's conference was kicked off on Sunday afternoon by keynote speaker Nancy Friedman. Nancy, aka The Telephone Doctor, not only brought her customer service expertise to our attendees but energized everyone with her knowledge and enthusiastic presentation. The keynote session was immediately followed by our opening reception on the trade show floor. This year's trade show was the largest in InnSpire history with 53 vendors.

The education continued on Monday with the popular roundtable sessions, featuring 11 topics from industry experts, covering legal updates, attracting millennials, employee handbooks, working in the "cloud", 2016 trends and more.

This year's vendors covered a variety of products and services including internet marketing, guest amenities, textiles, hotel financing, property management systems and more.

Monday closed with our 25th anniversary celebration, where vendors and guests joined

InnSpire

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The
Telephone
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Keynote Speaker
Nancy Friedman

in for a night of wine, food and a toast to 25 years of CABBI.

The final day was full of education from industry experts including a panel on OTAs for small properties, best practices for insuring

an inn, a legal panel led by innkeepers and moderated by CABBI Member Legal Advisor Jim Abrams, and much more. The 2016 conference concluded with a special general session led by Lisa Kolb of Acorn Internet Services.

We hope to see everyone at the 2017 InnSpire Conference & Trade Show as we head to Southern California January 29–31 and meet on the Queen Mary in Long Beach! ★







WHY "CRAFT" BEVERAGES NEED TO BE AN INTEGRAL PART OF YOUR B&C LINE-UP

By Jeff Josenhans

IT'S NO SECRET THAT CRAFT BEER AND CRAFT COCKTAILS

have been driving trends in the hotel beverage industry for quite some time. Furthermore, guests have learned to seek out regional and sustainable wines, locally produced spirits and beer, and have in them a consistent desire to experience a new beverage they have never tried when travelling.

Up until recently, the vast majority of this trend has manifested itself in the form of menu changes in hotel lobby bars and restaurants. However, in a real-time, social-media driven food and beverage industry, guests are becoming much more aware of what a truly "cutting-edge" food and beverage (F&B) program looks like. Hotels should be aware of what local restaurants and bars are offering, and are also aware of their buying power.

The market for large client F&B business is constantly becoming more and more competitive. For many clients with food and beverage savvy attendees who might want to experience something "better and different" than their previous meeting or event, most hotel banquets and catering (B&C) menus do not offer much of an alternative.

"Craft" beverage is a term that is a little loose, but generally refers to smaller producers offering experiences and products that are not found across the nation or in your local grocery store. The beauty of this ever-growing segment of the beverage industry is that it is still relatively easy to procure, and holds just as well in inventory as other products. Any hotel operator can implement a new beverage program quickly and effectively in less than a month.

The time is now to take a look at your B&C menus, starting with the beverage side. With little risk involved, revising the B&C beverage offering to mirror what the market wants is an easy and necessary change. B&C will always be a margin-driver for hotel operations, but sacrificing quality or not emphasizing enough product innovation on the B&C side will open up your hotel F&B operation for potential revenue loss as the market continues to trend towards local and genuine food and beverage experiences. ★

Besides leading F&B Operations at the US Grant, A Luxury Collection Hotel in San Diego, Jeff Josenhans is a regular contributor for the San Diego Union Tribune, the San Diego Downtown News, sits on the board for the Berry Good Food Foundation, and has recently lead seminars at both SommCon San Diego in November 2015 and at NCB Las Vegas in March 2016.

The time is now to take a look at your B&C menus, starting with the beverage side. With little risk involved, revising the B&C beverage offering to mirror what the market wants is an easy and necessary change.





California's Alcoholic Beverage Control Act

A LARGE NUMBER OF THE MEMBERS

of the California Hotel & Lodging Association and the California Association of Boutique & Breakfast Inns possess various types of licenses issued by the California Department of Alcoholic Beverage Control (**ABC**) and have

to comply with the Alcoholic Beverage Control Act (**Act**).



We receive many inquiries from members about the requirements and prohibitions of the Act, and this article discusses some of

the more commonly asked questions about the do's and don'ts of selling and serving alcoholic beverages. (This article will only deal with "on sale" activities—i.e., those that involve consumption on the premises—as opposed to "off sale" transactions, such as those at liquor stores.)

The most fundamental issue we are asked about is: **Do I need an ABC license to do [insert activity in question]?**

For example, "Does my B&B need a license to serve guests wine in the afternoon"? "Does my hotel need a license to include a bottle of champagne in a special 'romantic getaway' package"?

The answer to these and many other questions is YES. The Act states that, "No person shall exercise the privilege or perform any act which a licensee may exercise or perform under the authority of a license unless the person is authorized to do so by a license issued pursuant to [the Act]." This means, among other things, that it is illegal (and a misdemeanor) for anyone to "sell" alcoholic beverages of any kind.

What kinds of lodging establishments are eligible to get a license?

For many years, the only establishments that could obtain on sale licenses were "bona fide

public eating places" (restaurants) and "public premises" (bars and night clubs). This meant that B&Bs and limited service hotels could not get licenses at all. CH&LA introduced legislation that now permits these types of lodging establishments to obtain on-sale licenses.

What types of licenses are available for hotels, inns, and other transient lodging establishments?

The most common types of ABC licenses available to lodging establishments are set out in Table 1.

Can a licensee give alcoholic beverages to someone, such as a special guest?

Generally, yes, as long as this is limited to the alcoholic beverages(s) covered by the hotel's license and that it is an occasional act that does not take place on a recurring basis (that is, the fewer the incidents, the lower the risk).

May minors be employed in "on-sale" premises?

In a bona fide public eating place, minors between 18 and 21 years of age may serve

alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. These minors cannot act as bartenders.

Must a manager of an on-sale licensed business have the same qualifications required of a licensee?

Yes. Anyone to whom a licensee delegates discretionary power to organize, direct, carry on, or control operations of the licensed business – which can include a management company – is presumed to be the manager of the business and must be licensed as such.

Is a licensee responsible for illegal acts of bartenders or other employees?

Yes. A license may be suspended or revoked if an employee violates the Act or ABC's regulations. Whether or not the employee and licensee are also guilty of a crime depends on the facts in each case.

What if I or one of my employees violates the Act?

- **Administrative penalties.** If ABC has evidence of a violation involving a licensee or a licensed premises, it will file an administrative complaint, called an accusation. An accusation, if proven, will lead to the suspension or revocation of the license.

- **Criminal penalties** can result from violations that are criminal offenses. For example, the sale or service of alcoholic beverages to a minor or an obviously intoxicated person is not only grounds for an accusation, but constitutes a criminal offense. Thus, the seller/server could be arrested, charged with a crime, and face a fine, community service work or imprisonment in county jail.

- **Civil penalties** are money judgments and penalties resulting from a lawsuit or a permanent injunction sought by ABC or a local district or city attorney.

Are there resources that can help me conduct my alcoholic beverage activities in a safe and lawful manner?

Yes. ABC has issued "Model House Policies—A Guide to Developing Responsible Business Practices for On-Sale Licensees." (<https://www.abc.ca.gov/FORMS/ABC620A.pdf>)

Also, ABC's L.E.A.D. (Licensee Education on Alcohol and Drugs) program provides on-site training for licensees and their employees on how to prevent sales to minors and other violations. (<http://www.abc.ca.gov/programs/Lead%20webpage.html>)

Hotels can also use private training providers. (<https://www.abc.ca.gov/programs/Approved%20RBS%20Training%20Providers%20with%20Disclaimer.pdf>)

Is a retail licensee required to close the doors of the licensed premises and not serve alcoholic beverages during the hours that an election is being held?

No. The Legislature has repealed the law that prohibited sales on election days. ★

CH&LA and CABBI members who need more information are free to contact our Member Legal Advisor, Jim Abrams, at jim@calodging.com.

TABLE 1

LICENSE TYPE	DESCRIPTION
47	ON SALE GENERAL—EATING PLACE (Restaurant). Authorizes the sale of beer, wine and distilled spirits for consumption on the licensee's premises. Authorizes the sale of beer and wine for consumption off the licensee's premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL—PUBLIC PREMISES (Bar, Night Club). Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
67	BED AND BREAKFAST INN. Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL—RESTRICTIVE SERVICE (i.e., limited service hotels). Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises. ¹
80	BED AND BREAKFAST INN—GENERAL. Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.



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May 12–13, 2016



Hotel Owner Conference

Thursday–Friday, May 12–13, 2016 | The Fairmont Grand Del Mar, San Diego

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Go to www.hotelownerconference.com for more details.

May 24, 2016



Northern California Hotel & Lodging Conference

Tuesday, May 24, 2016 | South San Francisco Conference Center

CH&LA and AAHOA have partnered to bring the largest one-day conference and trade show in Northern California to the South San Francisco Conference Center this year.

Go to www.calodging.com/events for more details.

May 26, 2016



Southern California Hotel & Lodging Conference

Thursday, May 26, 2016 | Sheraton Fairplex Hotel & Conference Center

CH&LA and AAHOA have partnered to bring the Southern California Hotel & Lodging Conference to Pomona, California.

Go to www.calodging.com/events for more details.

Upcoming WEBINARS



May 5, 2016



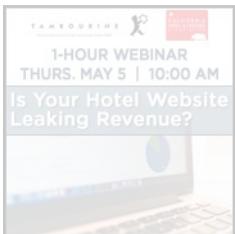
Is Your Hotel Website Leaking Revenue?

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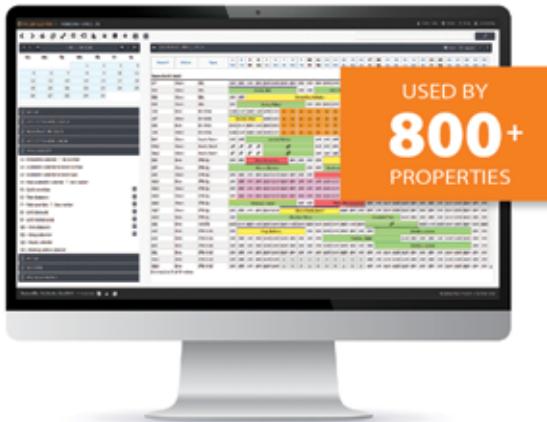
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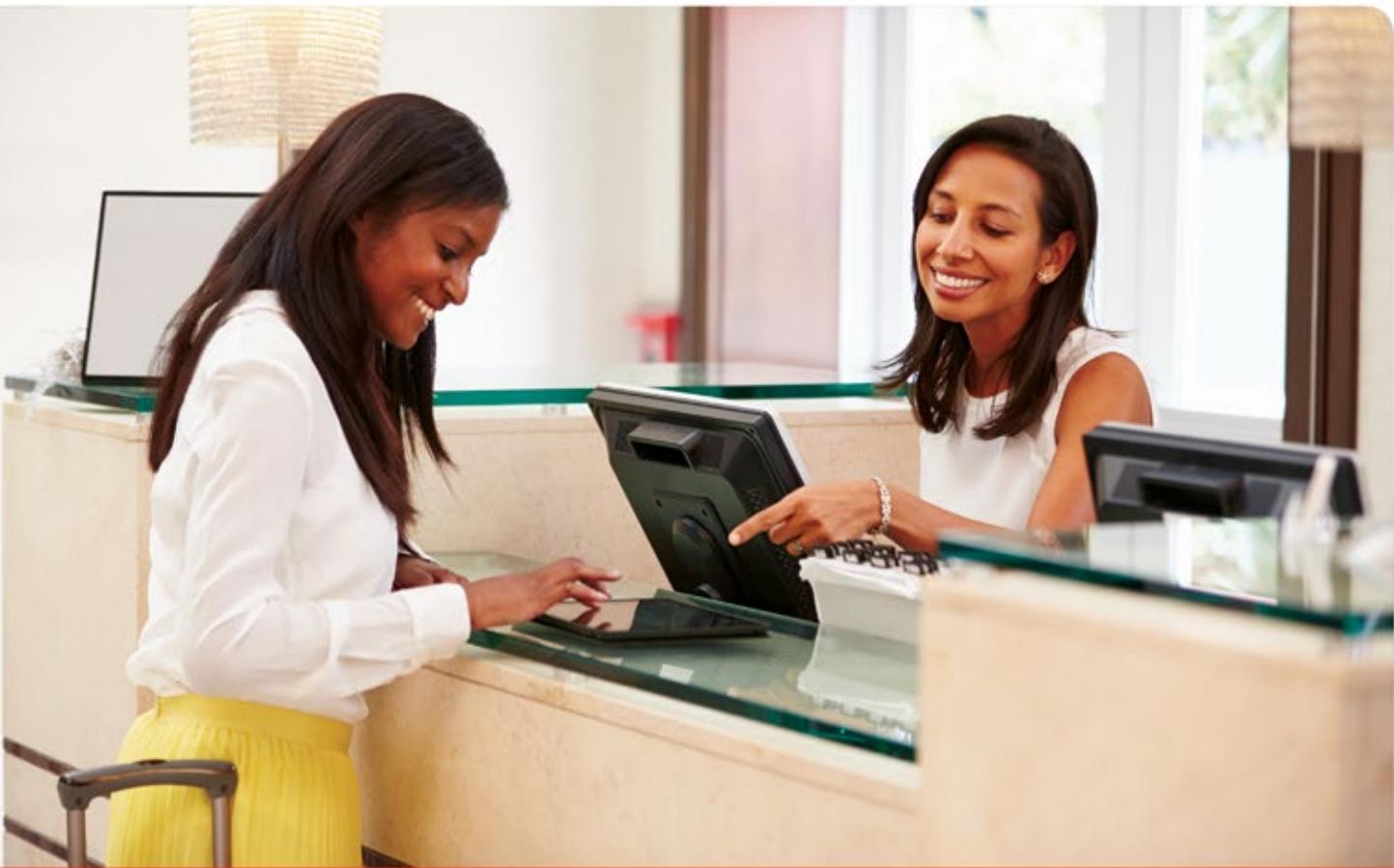
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