



CALIFORNIA-HAWAII ELKS ASSOCIATION

Benevolent and Protective Order of Elks

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California-Hawaii Elks Association Alcohol Training Certification Policy

In recent years, there have been several lawsuits nationwide where an individual had been drinking at his or her local Elks lodge and then left the premises to drive home. On their way, a fatal accident has occurred, and the Elks have been sued by the deceased's family. One case, **Trail**, resulted in a \$28,000,000 verdict against the lodge and various employees and officers. It was settled for \$18,000,000. The court determined that the local Elks Lodge overserved that individual at their facility. In yet another case, an Elk left the bar after allegedly having been overserved and killed a young man with three children (**Rebeneck**). That just settled for \$6,500,000. Because of this scenario, the Benevolent and Protective Order of Elks needed to increase their insurance coverage and their deductibles. As expected, our premiums to obtain that insurance have also increased proportionately by millions of dollars. That can't go on without a very substantial state and grand lodge dues or fees increase, if we can get the insurance to begin with. Our deductible went from up to \$1 million of your dues money to \$1,500,000 for each such settled claim or verdict. That deductible was raised just to be able to purchase insurance. We Sponsors are afraid that such an instance here in California could lead to the nationwide removal of alcohol coverage on all policies nationwide. The individual lodges would then be tasked with buying such coverage or going without. More costs, more scare and more potential tragedy for everyone involved in the case.

Business aside, the tragedy experienced by the family of the deceased persons is hard to imagine unless you are personally involved or handling litigation where you talk to the surviving wife who is wondering how she will raise her children and coping with the loss of the support, love and companionship of her husband. The life of the drunk Elk is changed forever also. It is not uncommon to see 9-year sentences to state prison for committing the wrongful death of another, in California. As a practical matter, that is the end of their life as they know it. The lodge suffers because of shared liability for over-serving. The Grand Lodge suffers because of the payout of up to \$1,500,000 of your dues and fees money.

The Sponsors of the California-Hawaii Elks Association, want to ensure that the members and employees of the local lodges throughout our states are aware of the dangers of overserving individuals and the personal ramifications of those actions. Therefore, we have instituted a program that requires any individual who serves alcohol or supervises bar/lounge staff, including volunteers, to receive training from a state certification program prior to working in the bar/lounge. No exceptions, no excuses. It has progressed well so far, with many lodges and some Districts completing the training already. But, we need more.

Training and documentation steps are as follows:

1. Determine which employees and/or volunteers need to be trained. Make a list, by name. All DLs and all DDs must take the training class.
2. Schedule a training session for the District, Lodge, or individuals, with an appropriate training organization.
3. Training will probably be done at a state provided location, but you may also be able to have the state come to the Lodge or District if there are enough participants.
4. Complete the training and obtain certificates for everyone.
5. Make a copy of all certificates and forward them to the designated District Leader immediately.
6. Keep a file of all originals in the Lodge Secretary's office.
7. District Leaders are required to provide the Sponsors with a list of all approved servers for each Lodge.
8. Everyone required to obtain a certificate will do so prior to **March 30th, 2018**. There will obviously be some need for exceptions. Sponsors Grillo and Brazier, PGER, will consider granting a few extensions to complete the training, on an individual basis, where application for extension is applied for up until March 30th. No extensions will be granted for applications filed after March 30th, 2018. An extension will be granted for a maximum of 60 days and then only where absolutely necessary.

The lodge may well want to contract with Uber, Lyft, a cab company or others to get inadvertently over-served individuals home.

Please note that after March 30th, 2018, no individual may be behind the bar, or in any way participate in the service of alcohol, or supervise alcohol servers without this certification. If it is determined that a Lodge is non-compliant, the following penalties will be enforced.

1. First Occurrence - Closure of the bar and or restaurant of the lodge for up to two weeks. That will be done by Executive Order of the Grand Exalted Ruler.
2. Second Occurrence – Closure of the bar and or restaurant for a minimum of one month. That will be done by Executive Order of the Grand Exalted Ruler.
3. Third Occurrence – Lodge will be placed on probation, a Special Representative will be assigned to manage the lodge until compliance is completed and the lodge bar and restaurant will be closed for all purposes. Exceptions may occur where the lodge has previously entered into a contract to rent the hall for an Elk sponsored event.

Harsh measures, - yes. Will the State of California do the same – yes and in fact it already has but enforcement is delayed too far into the future for us to consider using the state mandate measures. Is it too much paperwork – Yes, until compared with the financial and social consequences of turning a drunk loose with a 4,000 pound missile and an impaired operational system.