

# Booznooz

## Is Prohibition Making a Comeback?

*Zero tolerance policies are supplanting DUI laws: why bar & restaurant owners should be worried.*

BY IAN FOSTER, REGIONAL VICE-PRESIDENT



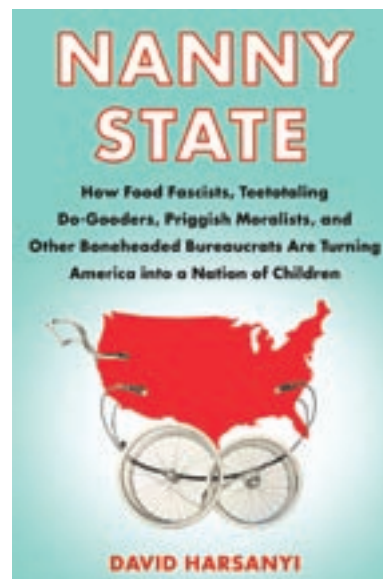
**T**hankfully for the hospitality industry, we all know that alcohol prohibition in the U.S. ended in 1933. There is no doubt that it was a complete failure with drinking consumption actually rising, along with disrespect for the law and the power of organized crime. Yet a new book by David Harsanyi, a columnist at the *Denver Post*, suggests that a new form of Prohibition is coming back – and bar and restaurant owners should be worried.

In his book, *Nanny State: How Food Fascists, Teetotaling Do-Gooders, Priggish Moralists, and Other Boneheaded Bureaucrats Are Turning America Into a Nation of Children*, Harsanyi paints a picture of over-zealous and misguided police and government actions that threaten the hospitality industry, as well as innocent customers.

Consider what happened in late 2003 in Fairfax County, Virginia:

*“...local police took pre-emptive law enforcement to an absurd extreme,*

*launching a sting operation that targeted 20 local bars and restaurants. The mission: apprehend ‘drunk’ patrons before they try to drive. These drinkers were far from their cars and in some cases did not even own cars. What type of evidence did the police use to measure intoxication? According to one law enforce-*



*ment official involved in the sting, the determination could be made based on unflicked cigarette ashes, an excessive number of restroom visits, noisy cursing, or a wobbly walk.*

*“In one raid, of the 18 drinkers tested for sobriety, nine were hauled to jail for public intoxication. When asked to explain the rationale for the raids, then-Fairfax County Police Chief J. Thomas Mange declared that you ‘can’t be drunk in a bar.’ Where can you be drunk? ‘At home. Or at someone else’s home. And stay there until you’re not drunk.’”*

It sounds like something that might have happened in New York or Chicago in 1931. “This is the future,” Harsanyi told me. The only difference between Prohibition in 1931 is that the modern Prohibition movement “cloaks its agenda with misleading studies, for-the-children rhetoric and emotionally driven policy ideas. Most importantly, the neo-prohibitions have learned a lesson from Prohibition well: work

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**“...then-Fairfax County Police Chief J. Thomas Mange declared that you ‘can’t be drunk in a bar’.”**

incrementally rather than trying to take the whole thing in one bite.”

### THE THIN EDGE OF THE WEDGE

A perfect example is the growing pressure to enforce zero alcohol tolerance rather than the .08 blood-alcohol level that forms the basis of most DUI laws. This would mean that restaurant patrons couldn't even have one glass of wine with dinner if they intended to drive home! But that is exactly what Mother's Against Drunk Driving (MADD) has advocated. Former MADD President Katherine Prescott has stated “there is no safe blood alcohol, and for that reason responsible drinking means no drinking and driving.” Pressure from MADD and other activists has led many police departments to a zero tolerance policy. In 2004, for example, Washington, D.C., police arrested 321 people with blood alcohol levels below the legal limit of 0.08 percent for driving under the influence. The year before, the number was 409. Another story from Harsanyi's book describes

Debra Bolton, a lawyer and single mom who was given a breathalyzer:

*“...[that] revealed that Bolton's blood alcohol content (BAC) was 0.03 percent, a level a 120-pound woman could expect after drinking one glass of wine. It was well below the 0.08 percent limit that marks a driver as legally intoxicated in D.C. It was not low enough for the arresting officer, however. This middle-aged mother of two, who hadn't drunk to excess, who hadn't run a red light or run a stop sign, was arrested, handcuffed, and fingerprinted for an innocent mistake. She sat in a jail cell for hours and was finally released at 4:30 a.m. Bolton spent four court appearances and over \$2,000 fighting a \$400 ticket. She then spent a month fighting to get her license back after refusing to submit to the 12-week alcohol counseling program.*

*“The arresting officer, inaptly named Dennis Fair, insists, ‘If you get behind the wheel of a car with any measurable amount of alcohol, you will be dealt with in D.C. We have zero tolerance... Anything above 0.01, we can arrest.’”*

In 1980, Candace Lightner founded MADD after her daughter was killed by a drunk driver. She has since left the organization and worries that “the movement I helped create has lost direction”. A zero tolerance policy, “ignores the real core of the problem.... If we really want to save lives, let's go after the most dangerous drivers on the road.” Lightner said MADD has

become an organization far more “neoprohibitionist” than she had envisioned. “I didn't start MADD to deal with alcohol,” she said. “I started MADD to deal with the issue of drunk driving. “The majority of crashes occur with high blood-alcohol levels, the .15, .18 and .25 drinkers, Lightner told the *Los Angeles Times* in 2002. “Lowering the blood-alcohol concentration was not a solution to the alcohol problem.”

### WHAT'S THE OUTCOME?

Yet neo-Prohibitionist actions continue to spread. In his book, Harsanyi notes that in 2005, the Texas Alcoholic Beverage Commission launched a series of stings similar to those in D.C.:

*“‘We believe responsible adults should drink responsibly,’ said Heather Hodges, a MADD victims' advocate involved in planning the operation, in a MADD press release. ‘A bar is not intended to be a place to get fall-down drunk.’”*

*“In March 2006, one of the first sting operations was conducted in a Dallas suburb where agents infiltrated 36 bars and arrested 30 people for public intoxication.*

*“‘It's killed our business,’ one Dallas bar owner told a local TV station. ‘People are scared to come out. I don't even drink, and I'm scared to go out, and it's not right. We don't want to put drunks on the road, but we don't want people to be afraid to do something that's legal. If they don't want people drinking, they should outlaw alcohol.’”*

In light of these trends, I asked Harsanyi if he had any advice for bar owners.

“Yes,” he said. “Band together and stop apologizing for what you do.” **BN**

*Nanny State: How Food Fascists, Teetotaling Do-Gooders, Priggish Moralists, and Other Boneheaded Bureaucrats Are Turning America Into a Nation of Children*, by David Harsanyi, is published by Broadway Books, a division of Random House, Inc.  
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# The Secret to Customer Satisfaction

*Do your customers love you?*

BY WILLIAM “BILLY-O” ORILIO, MHS  
CEO, ORILIO & ASSOCIATES, INC.

**S**urveys show that more customers than ever are fed up with bad service. So now it's time to let our servers in on the secret of giving dramatically visible customer service. Any time I've ever had an experience that was outstanding, I could tell that the server knew the secret. It doesn't apply only to servers, but to anybody in the service industry. It allows employees to create a personalized experience for their guests, so that they leave bigger tips, come back to your property, and request additional services.

According to the University of Michigan's 2007 American Customer Satisfaction Index, overall customer satisfaction remains flat over the past year. In some industries, such as the hospitality industry – specifically hotels and restaurants – it got worse.

In the 2005 National Customer Rage Study, the most recent available, 70% of respondents who had a problem reported feeling this fevered emotion at least once during a recent transaction, up from 68% in the 2003 poll. As for those unpleasant interactions, each victim had, on average, four exchanges with the offending company to resolve the problem, and 15% of the ticked-off customers entertained fantasies of revenge. They said they'd like to repeatedly pester the business and cost them time and

money as payback.

With this data in mind, it's not hard to see, even though we're in the hospitality industry, that companies are routinely out of touch with how angry their customers are. That's a sad state of affairs.

## NOW FOR THE SECRET

The only true way to enhance any guest relationship is through rapport. Rapport is the ability to enter someone else's world, to make him or her feel like you understand them, and that you have a strong common bond.

If it's true that almost everything we become and accomplish in life is with and through other people, then the ability to create rapport is the most important skill anyone can learn. When your team members learn this skill and are able to create rapport, it helps turn them from robots into human beings in the eyes of your guests. The guest sees them as an equal, and will often ask them questions about their personal life. They will ask their name and remember it.

The secret to giving better service consistently is to create a personal connection with your guests. In order to do that, you have to make human contact. There are two primary ways



to develop rapport-building skills: observation and flexibility.

People like people who are like themselves. It makes them feel comfortable and puts them at ease. The first key to establishing this comfort level is to pay attention to things about the other person, about the guest. How they carry themselves, their posture, how fast they speak, the tone or volume of their voice, what gestures they use, how fast they breathe, and any other observable mannerisms or behaviors. Once you've done this, then you have to mirror the guest's actions.

In addition to observation, there is the skill of flexibility. Flexibility means customizing your style to match the other person's style. Flexibility is actually the act of mirroring a person's actions. Almost anything you notice about another

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## INSIDE:

### WILL WE SOON SEE The Return of Prohibition?

A new book documents the emergence of a worrying trend in public policy.

**PLUS:** We look at the key to turning guests into loyal repeat customers:



## CUSTOMER SATISFACTION

(CONTINUED FROM INSIDE)  
person can be mirrored. This is the way to establish an immediate bond with someone you meet. Watch someone you know that is a great communicator and you'll see that they do this all the time.

The function of our service industry is to cultivate, facilitate and accumulate sales. Once your team members have learned how to create and build rapport it will be a lot easier, for them and for you. The first 30 seconds of an interaction sets the tone for the entire experience. The most important first step for anyone is to create a bond of trust and credibility. Remember, people like people who are like themselves. The pure essence of rapport is commonality.

When rapport is consistently established, your guests will realize that we're all on the same team. They will know that we can work together to solve any issue or to pre-

vent any problems. Nothing affects a guest more than knowing you're on the same side instead of the opposition.

In our business, it is possible for both sides to win. It's called Building Rapport. It really works. **BR**

*Mr. Orilio is the CEO of Orilio & Associates, Inc., a hospitality consulting firm that provides services and expertise to hotels, casinos, restaurants, and other customer service businesses. His experience in the Hospitality and Gaming industries spans thirty years and over 60,000 hours of documented on-site observations. He taught Restaurant and Hotel Management at San Diego Mesa College for twenty years and Casino Management at San Diego State University for the past four years.*

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