



# VIEW FROM THE BAR

by Marc Reisman, Esq.

## Liquor Licensees Beware: Compliance Checks Can Cause Complications

**T**he Pennsylvania State Police Bureau of Liquor Control Enforcement is authorized to conduct “compliance checks” at liquor licensees’ premises. Unfortunately for many licensees, this is the equivalent of shooting ducks in a barrel – with the licensee playing the role of the duck.

Here’s how these compliance checks generally occur: An undercover State Police officer enters the premises and takes a seat. Shortly thereafter, an underage person in the employ of the State Police enters the premises, takes a seat at the bar and orders an alcoholic beverage. If the licensee’s employee cards the minor, the minor will produce a valid i.d. indicating the minor is underage. If the employee then refuses to serve the minor, the State Police officer will advise the licensee that they have passed a compliance check and everyone goes home happy.

Not surprisingly, according to clients of mine who have been subject to these compliance checks, the State Police seem to be choosing minors who look to be at least 21 years old, if not older. Some of them are in fact less than one birthday short of 21. Such an appearance can, of course, create a false sense of security for the server, who serves the minor a drink and receives payment for it, after which the minor leaves the premises without taking a sip. Bang – the duck is bagged. Even if the server cards the minor, the server must actually examine the i.d. carefully. Otherwise, whether it’s because of not doing the math properly (yes, this happens) or giving only a cursory glance at an i.d. and assuming the minor wouldn’t produce one at all unless it showed him or her to be of age, your server may fail the test.



Photo by Dave Aschkenas

checking device – and use it. Card everyone and anyone who looks to be within a decade or two of 21, and make certain your servers are familiar with the limited forms of Pennsylvania i.d. that are acceptable under the Liquor Code. Card everyone, even if you’ve carded a person in the past – he or she might have previously presented someone else’s i.d., or a doctored i.d. Have the patron fill out and sign a PLCB Declaration of Age form (PLCB-931) and keep it on file at the premises. You can also make a copy of the person’s i.d. and keep it on file. But remember: Give any i.d. more than a quick glance, because you have to show good faith in relying upon it.

If you’ve received a Citation for serving a minor, or if you would like more information on R.A.M.P., contact my office.

*This column is brought to you as a public service by Marc Reisman, a partner in the law firm of Gelman & Reisman. If you have an issue you would like to see addressed, or if you would like a reprint of a previous column, write to him at 429 4th Avenue, Suite 1701, Pittsburgh, PA 15219, or call 1-800-883-1LAW. This column is intended for informational purposes only. Consult Mr. Reisman for legal advice specific to your situation.*

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