



VIEW FROM THE BAR

by Marc Reisman, Esq.

Double Shots Sometimes Served to Pennsylvania Liquor Licensees

In my experience, liquor licensees are well aware of most of the high-profile violations under the Liquor Code that can bring on a Citation from the Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE). Such violations include sales to a minor or visibly intoxicated person, failure to have patrons vacate the premises by the requisite time and after-hours sales. However, they may not be aware that, in certain circumstances, they can, in effect, suffer more than one penalty for the same activity. If you are a liquor licensee, consider the following:

• As part of the liquor license renewal process, the Liquor Code requires that all Pennsylvania tax reports be filed and any taxes owed be either paid or subject to a payment plan. First shot: The Pennsylvania Liquor Control Board (PLCB) will not renew the licensee until the licensee complies.

Second shot: The BLCE can cite the licensee for failure to file the necessary tax returns and pay the required amounts. Furthermore, if the licensee does not have tax clearance by the time its license expires and nevertheless continues to serve alcoholic beverages, the BLCE can cite the licensee for serving without a license (even if the licensee has submitted its renewal application together with the requisite funds to the PLCB).

• Take the case of a licensee issuing a non-sufficient funds check as payment for malt or brewed beverages. First shot: The licensee's bank will assess a penalty charge, plus the payee will want the licensee to pay any similar fee it may be

assessed. Second shot: The NSF check may form the basis of a Citation against the licensee (unless it's the first violation of the calendar year, and the licensee makes the check good within 10 days, in which case the BLCE will issue an administrative warning).

• First shot: A licensee may receive a suspension as part of a penalty imposed when an Administrative Law Judge upholds a Citation brought against the licensee. Second shot: If the licensee fails to post the requisite Notice of Suspension for the entire length of the suspension, the BLCE can use that failure as the basis for another Citation.

• First shot: A licensee may be ordered to become certified under the Responsible Alcohol Management Program (RAMP) within a set number of days as part of a Citation penalty imposed by an ALJ. (I'm taking a little license here because there are actually benefits to a licensee becoming RAMP certified.) Second shot: The BLCE can issue a Citation against a licensee for not timely complying with such an Order.

If you have any questions about the issues addressed in this column, or questions concerning the operation of your licensed business, please 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, email him at marc@gelmanreisman.com 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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