



VIEW FROM THE BAR

by Marc Reisman, Esq.

THROWING THE KITCHEN SINK AT LIQUOR LICENSEES

The State Police Bureau of Liquor Control Enforcement (BLCE) is the agency charged with enforcing the provisions of the Pennsylvania Liquor Code. The Liquor Code also gives the BLCE the power to issue citations for violations of PLCB Regulations. Additionally, there is a catchall provision giving the BLCE the authority to cite liquor licensees "for violations of any laws of this Commonwealth."

Why, you may ask, is knowledge of these things important to you as a liquor licensee? There's a very good reason: in effect, the BLCE can cite you for multiple violations that arise out of the same conduct, and that is reason to be especially careful about avoiding such conduct.

A good example involves citations the BLCE issue for violations of what is commonly referred to as the PLCB's Loudspeaker Regulation, which prohibits the sound of amplified entertainment (music or otherwise) from being heard outside the licensed premises. In addition to citing a licensee for violation of that regulation, the same conduct can be a basis for a charge of operating a business in a "noisy and/or disorderly manner." Normally this additional charge is brought when there have been repeated alleged instances of violations of the Loudspeaker Regulation and/or noisy conduct on the part of your patrons, perhaps on your outdoor patio or deck. Such violations can be established by personal observation of a BLCE agent, complaints of neighbors, local police testimony, or a combination of all three.

It is important to note that testimony from even one neighbor about multiple incidents together with some personal corroboration from a BLCE Officer can be enough to make the BLCE's case. Additionally, multiple sustained citations for such conduct will be considered by the PLCB in deciding whether to object to renewal of a liquor license on the basis that the business may be a nuisance to the community. It is therefore vitally



Photo by Dave Aschkenas

important for a liquor licensee to consider operations in light of the character of the neighborhood and the licensee's relations with neighbors (especially residential). Keep in mind that multiple, continuing complaints from even one neighbor can lead to one or more citations and, perhaps, ultimately endanger your license.

(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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