



VIEW FROM THE BAR

by Marc Reisman, Esq.



Traps for the Unwary Licensee

(Note: This column was originally published several years ago and is being re-printed by reader request. It contains information important to liquor licensees.)

In reviewing decisions by Administrative Law Judge in citation cases brought by the State Police Bureau of Liquor Control Enforcement against liquor licensees, I often come across cases involving what might seem to be small or technical violations that nevertheless result in problems for the licensees involved. Here are a few examples that are worth keeping in mind:

- Sales of alcoholic beverages after your liquor license has expired: nothing less than your new liquor license or written temporary authority to serve alcoholic beverages from the Liquor Control Board is sufficient to allow you to continue service of alcohol after your liquor license has expired. The fact that you have filed your liquor license renewal or validation application does not give you the authority to continue serving.
- Failure to post Notice of Suspension: if a citation against your license has been upheld by an Administrative Law Judge (ALJ) and you have been ordered to serve a suspension as part of the penalty, you must post an official Notice of Suspension during the entire period of suspension. The State Police will check to see if it is posted, and, if not, they will issue a citation.
- Failure to have a valid health permit: Pursuant to authority in the Liquor Code, the PLCB has enacted regulations requiring restaurant, hotel, club catering and retail dispenser eating place licensees to have a valid health permit. You will be fined if an ALJ finds there was a gap in the time you had a health permit.

If you continue to operate without one, your right to serve alcoholic beverages can be suspended until you obtain one.

- Failure to notify the PLCB of a change in manager within 15 days: In one case, a licensee failed to inform the PLCB of a change in manager for almost a year before the fact was discovered during a State Police investigation. At the hearing, the licensee testified that she had submitted an affidavit to the PLCB that she was the new manager and was devoting full time to the licensed business. She promised to submit a copy of the affidavit to the ALJ, but failed to do so. The ALJ imposed a penalty of a \$250.00 fine and a continuing suspension until the affidavit was submitted.

If you have any specific questions on compliance with the requirements imposed by the Liquor Code and the PLCB's regulations, please telephone me.

(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.)

© 2008 Marc Reisman

