Pennsylvania Liquor Control Board

PLCB Retail Licensee Seminar

August 22, 2018



Pennsylvania Liquor Control Board

Retail Licensee Seminar Agenda

9:00 a.m. – 11:00 a.m.	Panel Introduction	
	PLCB Bureau of Licensing & PSP Bureau of Liquor Control Enforcement Presentation	
	PLCB Office of Chief Counsel & PSP Bureau of Liquor Control Enforcement Presentation	
	PSP Bureau of Liquor Control Enforcement	
	PLCB Bureau of Wholesale Operations	
11:00 a.m. – 11:30 a.m.	Break	
11:30 a.m. – 12:30 p.m.	RAMP Presentation	
12:30 p.m. – 2:00 p.m.	Q & A	



PLCB Bureau of Licensing & PSP Bureau of Liquor Control Enforcement

Topics

Retail Liquor Licenses

License Requirements

Amendments

Permits

PLCB+

Resources





- Restaurant (R) Restaurant Liquor License
 - Most common retail license type.
 - Can sell beer, wine and liquor.
 - Requires 400 square feet of serving space.
 - Food and seating for at least 30 people must be available at all times.
 - Must have a current and valid health license from issuing authority.
 - Hours are Monday Saturday, 7:00 a.m. to 2:00 a.m.
 - Sunday hours require SS permit and are 9:00 a.m. to 2:00 a.m.
 - Issued based on the quota system.



- Eating Place (E) Retail Dispenser
 - Can sell beer and malt/brewed beverages only.
 - Requires 300 square feet of serving space.
 - Food and seating for at least 30 people must be available at all times.
 - Must have a current and valid health license from issuing authority.
 - Food MUST be prepared on the licensed premises.
 - Hours are Monday Saturday, 7:00 a.m. to 2:00 a.m.;
 Sunday hours require SS permit.
 - Issued based on the quota system.
 - May be able to convert to an R license.



- Hotel (H) Hotel Liquor License
 - Can sell beer, wine and liquor.
 - Requires 400 square feet of serving space.
 - Can serve anywhere on hotel property.
 - Food and seating for at least 30 people must be available at all times.
 - Must have a current and valid health license from issuing authority.
 - Must have a separate full-time kitchen.
 - Must maintain set amount of hotel rooms based on population.
 - May apply for a room exemption if the license was issued prior to September 1, 1949.
 - Must have hotel registration records.
 - Hours are Monday Saturday, 7:00 a.m. to 2:00 a.m.; Sunday hours require SS permit.
 - Licenses NOT issued based on quota system.

- Other Retail Licenses
 - Golf Course: (PGR), (PGE), (GE), (GR)
 - Continuing Care Retirement Community: (CRR), (CRE)
 - Economic Development License: (EDR), (EDE)
 - Public Service License: (P), (PM)
 - Brewery Pub License: (GP)
 - Public Venue: (PV)
 - Performing Arts: (PAF)
- Airport: (AR)





License Requirements

Bona Fide Establishment

	Minimum Size of Licensed Premises	Food & Seating Requirements	Health License Requirements	Room Requirements
Restaurant (R)	400 sq. ft.	Must have at least 30 seats and food* for at least 30 patrons. Bar stools are acceptable as seating. Seating may not be stacked. Must have dishes and silverware to accommodate at least 30 patrons.	Must have current and valid health license issued by the governing municipal authority.	N/A
Eating Place (E)	300 sq. ft.			Functioning kitchen or food preparation area must be on-site.
Hotel (H)	400 sq. ft.			 Functioning kitchen or food preparation area must be on-site. Hotel rooms must be available for transient guests, unless an exemption waiver was granted.





- All changes to any issued liquor license are handled through the PLCB + system and filed online.
 - Called "amendments" to amend current license.
 - Replaces paper applications used in the past.





Extension of Premises

- Must be filed any time additional <u>licensed</u> areas are being added.
- May be temporary or permanent, but must be contiguous.
- Includes indoor or outdoor areas.
- Must have full time and exclusive right to occupy space being used.
- No other business is allowed within the extension or any other licensed area without prior board approval.
- Full investigation will be conducted including verification of finances, and property ownership verification.
- 30-day posting required for all extension requests.
 - PLCB-1296 placard MUST be posted a minimum of 30 days up until final approval.
 - Placard must be at or near the main entrance and <u>clearly visible</u> to the passing public.
 - Placard cannot be posted prior to application being submitted. Notice to public allows for protests or petition to intervene.

- Extension of Premises
 - For sidewalk café extensions, written approval by the municipality is required.
 - Sidewalk café limited to table service only.
 - Must maintain at least two tables.
 - No bar can be setup within this area.
 - Cannot block entrances to other establishments.
 - R licenses may apply for a secondary service area (non-contiguous).
 - Minimum of 1 acre of land required.
 - Cannot cross a public thoroughfare.
 - Must have a structure with three sides and a roof with at least 175 square feet.
 - Must have adequate seating.

- Manager Changes
 - Required to notify the PLCB within 15 days of a proposed manager change.
 - Only one person may be appointed at any one time.
 - Manager is required to devote full time and attention to the licensed business.
 - PLCB must approve the new manager, nothing is required from the outgoing manager.
 - Full investigation will be conducted including background check and interview.
 - Supplement employment requires a Dual Employment
 Affidavit, subject to approval.
 - RAMP owner/manager training required within 180 days.



- Change of Business Structure
 - Required to notify the PLCB within 15 days if the change involves more than 10% of outstanding voting stock or a change in the controlling interest.
 - 30-day posting is required if it is a majority change.
 - Corporation Addition or deletion of an officer, director and/or stockholder.
 - LLC Change in membership.
 - LP Change in partnership.





Safekeeping

- Required if the licensed establishment is not in operation for 15 consecutive days.
- Period not to exceed two consecutive years.
- Must continue to renew and validate the license.
- PLCB may revoke the license after two years if the license is not transferred, reissued or extended in safekeeping.
- Reissue from safekeeping amendment must be filed to activate license.
 - Investigation required if more than 90 days, or involved changes made to the premises.
 - Must be filed at least 30 days in advance of requested opening date.

Permits

- Wine Expanded Permit (WEP) Authorizes the sale of up to three liters of wine for off-premise consumption.
 - Available to restaurant and hotel licensees.
 - Requires RAMP certification.
 - \$2,000 application fee and an annual renewal fee of 2% offpremises consumption sales.
- Off-Premises Catering Permit (OPCP) Allows eligible entities to sell alcohol at a catered function.
 - Apply by March 1; schedule the function at least seven days prior to the event.
 - Limited to 52 per calendar year.
 - No longer than five hours and must end by midnight.
 - Cannot be self-sponsored.
 - Servers must be RAMP server/seller trained.
 - Requires prior notification to LCE and local police.
 - \$500 per year.

Permits

- Sunday Sales Permit (SS) \$300 Allows hours alcohol may be sold on Sunday.
 - Retail licensees 9 a.m. to 2 a.m.
 - WEP permittees 9 a.m. to 11 p.m.
 - AR licensees 5 a.m. to 2 a.m.
 - E licensees 11 a.m. to 2 a.m. or 9 a.m. to 2 a.m. with food.
- Extended Hours Food (EHF) \$50 Allows the licensee to remain open between 2 a.m. to 7 a.m. for the purpose of <u>serving food</u> and non-alcoholic beverages, and allows for entertainment.
- Amusement Permit (AP) 1/5 of annual license fee –
 Permits dancing by patrons, floor shows, theatrics, and movies.

- How to Request an Amendment
 - ✓ Log into your PLCB+ account:



Login to you	r account:	
Email:		
Password:		Forgot password?
Login	Need an account? Register here	





Click on Other License Changes/Amendments:

Main Menu Need Help?

Please read the entire menu before making your selections.

Make this my home page

To add a licensee to your account, please go to "My Profile" and scroll to the bottom of the page where you can add your access code. Please contact the PLCB help desk at 1-844-707-5475 or email ra-lblicensingmod@pa.gov if you need an access code.

If you are attempting to renew or validate an existing license and it does not show or appear on the bottom right corner of this page, please do not apply for a new license. Please contact the PLCB help desk at 1-844-707-5475 or email ra-lblicensingmod@pa.gov for help with renewing or validating your license.

NEW APPLICATIONS



Apply for a New License



Apply for a Special Permit

(Special Occasions, Wine Auction Permits, not for use by Limited Winery Licensees or Catering Events)

EXISTING LICENSES



Transfer a License to a new Owner

(New Owner or New Owner with a New Location)



Add a Permit

(Amusement Permit, Off Premises Catering Permit, Extended Hours Food, Farmer's Market, Wine Expanded Permit, Sunday Sales)



Apply for Events / Functions

(Off Premises Catering Events or Exposition Permits(G, AG, AL, LK))



Other License Changes / Amendments

(C/CC, D/ID, E/R), Extension of Premises, Extension of / Surrender or Release from Safekeeping, Misc Inquiries, Place to Place Transfers, Supplemental Storage)





Apply for / Manage / Renew Brands

OTHER



Search for Licenses



Search for Registered Brands



File a Protest or Petition to Intervene



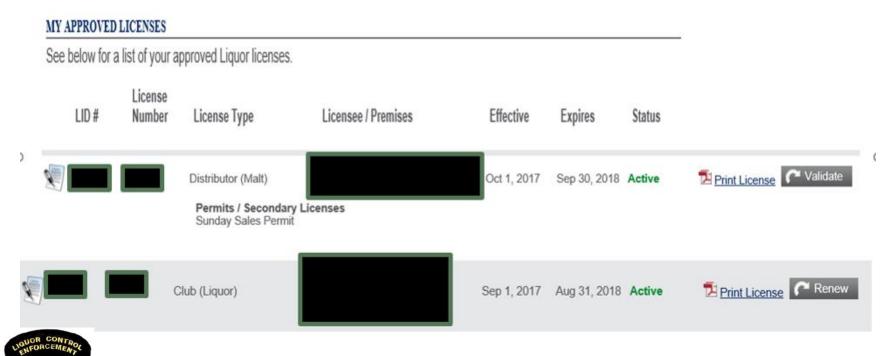
Submit Report

(Submit monthly, quarterly, or yearly reports for your license if required)





- Renewals and Validations:
 - Automatically appears on your profile page
 - All payments made through credit card





How to Add a Permit:



All permits can be added at once





How to Search for a Registered Brand

NEW API	PLICATIONS	BRAND REGISTRATION			
	Apply for a New License	Apply for / Manage / Renew Brands			
>	Apply for a Special Permit (Special Occasions, Wine Auction Permits, not for use by Limited Winery Licensees or Catering Events)				
EXISTIN	G LICENSES	OTHER			
	Transfer a License to a new Owner (New Owner or New Owner with a New Location)	Search for Licenses			
	Add a Permit (Amusement Permit, Off Premises Catering Permit, Extended Hours Food, Farmer's Market, Wine Expanded Permit, Sunday Sales)	Search for Registered Brands File a Protest or Petition to Intervene			
	Apply for Events / Functions (Off Premises Catering Events or Exposition Permits(G, AG, AL, LK))	Notify the PLCB of a bad check			
D/ID, E/R), Extension of Premises, Extension of / Surrender or Re	Other License Changes / Amendments (Board Approved Locations, Change of Manager or Officers, Exchange(C/CC, D/ID, E/R), Extension of Premises, Extension of / Surrender or Release from Safekeeping, Misc Inquiries, Place to Place Transfers, Supplemental Storage)	Submit Report (Submit monthly, quarterly, or yearly reports for your license if required)			
	Search for Registered Brands				
Use the search below to find brands that have been registered with the PLCB. Enter as much information as you know, and press the "Search" button.					
	Name of Brand:				
	Manafacturer / Franchisee:				
WOR CO	ONE				



Search

PA pennsylvania
Liquor control Board

Resources

- Trouble filing anything online?
 - Call 844.707.5475
 - Email RA-LBLICENSINGMOD@pa.gov
- Status check after filed?
 - Call 717.783.8250
 - Email RA-LBLICENSING@pa.gov
- Contact information is provided on the reference card in your bag.
- Resource materials will be published online in the near future – monitor your email for details.



Resources

- Resources
 - Icb.pa.gov → Legal
 - FAQs
 - Advisory Opinions
 - Advisory Notices





PLCB Office of Chief Counsel & PSP Bureau of Liquor Control Enforcement

Topics

Legislative Changes Since 2016

Legislative Highlights





Legislative Changes Since 2016

Act	Effective Date
Act 39 of 2016	August 8, 2016
Act 85 of 2016	August 8, 2016
Act 166 of 2016	January 17, 2017
Act 42 of 2017	October 30, 2017
Act 44 of 2017	October 30, 2017
Act 75 of 2017	December 22, 2017





License Surcharge

 All licenses that are renewed or validated under the authority of section 470 are now subject to a \$700 surcharge. This includes all Article IV licenses, such as restaurants, hotels, clubs, breweries, importing distributors, distributors and eating place retail dispensers.

RAMP Server/Seller Training

- All alcohol service personnel must complete RAMP server/seller training within six months of being hired by a licensee, unless the person had successfully completed said training prior to being hired.
- "Alcohol service personnel" is defined as any employee of a licensee such as a bartender, waiter whose primary responsibility includes the resale, furnishing or serving of liquor or malt or brewed beverages. It also means any employee, such as a doorperson, whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.

Sunday Sales

- Restaurant, hotel, municipal golf course restaurant liquor, and privately-owned public golf course licensees may begin selling alcohol on Sundays at 9:00 a.m. instead of 11:00 a.m. The requirement that a licensee must offer a meal beginning at 9:00 a.m. is removed.
- Holders of eating place retail dispenser licensees are still subject to the meal requirement.



Wine Expanded Permits

- Available to restaurant and hotel licensees. Allows sales of up to three liters of wine in a single transaction, until 11:00 p.m. on Monday through Saturday, and on Sundays if the holder holds a Sunday sales permit.
- Sales must be at a register at "which malt or brewed beverages and restaurant foods sales are made on the licensed premises." Must use a transaction scan device to verify the age of anyone who appears to be under 35 years old. The minors frequenting rules in section 493(14) of the Liquor Code do not apply for purposes of selling wine for off-premises consumption. Must comply with all components of RAMP and must have a RAMP-trained cashier at the register when patrons are on the licensed premises.
- There is a \$2,000 application fee and an annual renewal fee of 2% of the cost of wine purchased from the PLCB for off-premises consumption.
- Cannot sell wine to go for a price that is lower than the price at which it purchased the
 product from the PLCB. Cannot sell a private label product, which is defined as a product
 made under contract by a manufacturer or its agent for the exclusive right of a retailer.
- Wine may be stored in a non-contiguous area that is not accessible to the public, is locked at all times, and is not accessible to employees under eighteen years old.
- Must pay sales tax on purchases of wine made from the PLCB at the time of purchase and must collect the sales tax from the consumers to whom they sell wine to go. Permittees can then seek reimbursement from the Department of Revenue for the sales tax which they previously paid to the PLCB.

LIQUOR CONTROL BOARD

Mug Clubs

- Retail licensees and breweries may offer a mug club to their patrons. Such an
 offer will not be construed as an unlawful inducement.
- Definition: a group organized by a retail licensee or a brewery whose members are entitled to discounted malt or brewed beverages. Membership in the mug club shall be by written application and the licensee must maintain a written list of active members as part of its records.
- Act 39 required an annual fee and a renewal fee as set by licensee and said that membership shall, at a minimum, entitle the member to a mug, glass or similar container, and said container must be used when the member is served any discounted malt or brewed beverages. Act 166 made the annual fee and renewal fee optional at the discretion of the licensee and removed the requirement that every member of a mug club be provided a mug or similar container to be used when purchasing alcohol.
- No discounted malt or brewed beverages may be provided between midnight and 7:00 a.m.
- Mug club discounts are not counted against a licensee's maximum number of hours during which it may offer happy hour pricing.





Liquid Fuels

 The PLCB cannot license an area where liquid fuels or oil are sold, but interior connections between licensed premises and locations that sell liquid fuels and oil are permissible with PLCB approval.

Exterior Entrances

 So long as a licensee's hours of operation do not exceed the hours of operation for an unlicensed premises for which the PLCB has approved an interior connection, the PLCB cannot require an exterior entrance to the licensed premises as a condition for approving a license or approving a renewal.

Delivery to Licensees

The PLCB may contract with a licensed transporter-for-hire, through the Commonwealth bidding process, for delivery to retail licensees and permit holders, at the expense of the licensees or permit holders receiving delivery. Payments for items being delivered to licensees and permittees must be by credit card or electronic fund transfer and must occur prior to the time of delivery.





Off-Premises Catering Permits

- Act 39 expands the number of off-premises catering permits (OPCP) from 50 to 52 per year.
- It reduces the number of days for written notice to the PLCB from 30 days to 14 days.
- The PLCB may waive the 14-day notice for a catered function, as long as seven days' notice is provided.
- The end time for catered functions held on December 31st is expanded from midnight to 2:00 a.m.
- The PLCB is given the discretion to approve OPCPs that are submitted after March 1st by a licensee in good standing, but the licensee must still apply at least 60 days prior to its first catered function.

Management Companies

Management companies can have a pecuniary interest in a licensee's license. A licensee using a management company must file an application and a fee. The PLCB must refuse the management agreement application if the management company or any person involved in the management company would be precluded from holding an interest in the licensee's license.





Identification Cards

 Act 39 adds Canadian driver's licenses or other bona fide Canadian identification, such as a Canadian-issued passport, to the list of identification cards that may be accepted by licensees.

Beer Taps

 Licensees no longer need to label their taps as long as the brand label is located somewhere in full sight of the customer.

Credit Cards

 Distributors and importing distributors may accept payment by credit card from licensees for the purchase of malt or brewed beverages.

Trans-shipping of Malt or Brewed Beverages

Distributors are precluded from selling or delivering malt or brewed beverages to any licensee whose licensed premises is located within the designated geographical area granted to an importing distributor other than the importing distributor that sold the beer to the distributor. If the licensee purchasing the beer from the distributor holds multiple licenses or operates at more than one location, then the beer may not be consumed or sold at licensed premises located within the designated geographical area granted to an importing distributor other than the importing distributor that sold the beer to the distributor. A licensee accepting delivery and/or transferring malt or brewed beverages in violation of this provision shall be subject to a suspension of at least 30 days.



Alcoholic Cider

- The definition of "alcoholic cider" was amended by increasing the maximum alcohol by volume from 5.5% to 8.5% and by changing the maximum carbonation level of alcoholic cider from 0.392 of a gram per 100 milliliters to 6.4 grams per liter.
- The PLCB may continue to sell the alcoholic cider in its inventory until such alcoholic cider inventory is depleted. This is because alcoholic cider is considered to be beer under the Liquor Code, not wine.

Mead

- "Mead" is defined as an alcoholic beverage produced by fermenting a solution of at least 51% honey, water, and other agricultural products, containing no more than 8.5% alcohol by volume and marketed as malt or brewed beverages rather than wine.
- The PLCB may continue to sell the mead in its inventory until such mead inventory is depleted, but the PLCB may not purchase additional mead after January 17, 2017. This is because mead is now categorized as a malt or beverage under the Liquor Code.

Powdered Alcohol

 It is unlawful for any person to possess, purchase, sell, offer to sell or use powdered alcohol in Pennsylvania (except hospitals and similar institutions conducting bona fide research).





Interlocking Business Prohibitions

- Act 39 adds an exception allowing a manufacturer or licensee and its officers, directors, shareholders, servants, agents or employees to contribute, and a manufacturer or licensee and its officers, directors, shareholders, servants, agents or employees to accept money or other things of value solely for the administration of RAMP training for alcohol service personnel. The money or other things of value may be provided by or to a manufacturer or licensee and its officers, directors, shareholders, servants, agents, or employees, directly by or to a trade organization consisting, in whole or part, of a group of licensees.
- Act 166 allows any officer, director or stockholder of any hotel, restaurant or club license to own land or buildings which are leased to a holder of an eating place retail dispenser license, a distillery license, or a limited distillery license. The Act also expands upon the exception for ownership of 5% or less of a restaurant or eating place retail dispenser license, by allowing a 10% or less ownership of a retail license.
- Act 75 amended section 411 of the Liquor Code, which, in part, prohibits a person from simultaneously holding an interest in both a retail license and acting as a landlord to a manufacturing license.
- Sections 411(e) and 493 of the Liquor Code were also amended by the act to allow a person who has an ownership interest in a limited winery license to be employed by an entity that holds a hotel, restaurant, eating place, or club license, so long as the person is not employed as alcohol service personnel or as manager.



Conversion of an Eating Place Retail Dispenser to Restaurant Liquor License

- If a municipality is "wet" for liquor, an eating place retail dispenser may convert its license to a restaurant liquor license, without regard to the quota.
- The fee for such a conversion is for \$30,000.
- However, the E license cannot be converted if there is currently a pending objection by Licensing or if the E license is located in Philadelphia.
- A conversion is considered a transfer or an issuance of a new license for purposes of proximity.

Safekeeping

- Act 39 reduced the safekeeping period from three to two consecutive years for restaurants, eating place retail dispensers, hotels, importing distributors and distributors.
- The safekeeping fees increased to \$10,000 in first through fourth class counties and \$5,000 in fifth through eighth class counties for the first additional year. For each additional year thereafter, the safekeeping fee is doubled.





Auctioning of Expired Licenses

- The PLCB may auction expired restaurant liquor licenses, in cases where the licenses were either non-renewed, revoked by an administrative law judge, or are no longer eligible for safekeeping. This applies to all restaurant licenses that expired from 2000 to the present, and then on-going.
- The Board may auction a maximum of 50 such licenses per county per year, any licenses not bid on at auction will be available for sale at future auctions.
- The minimum bid is \$25,000 and the highest bidder wins the right to file an application for the auctioned licensed with the PLCB. The bidder must file a transfer application within six months of the award. If applicable, approval by the receiving municipality is required. Also, the auctioned license is still subject to conditional licensing agreements, if applicable. Once awarded, an auctioned license is no longer subject to the payment of past fines, liens, suspensions, and judgments.





License Suspension for Deficiency – Licensee Compliance Program

- If the PLCB finds, through an inspection by a PLCB employee, that a licensee does not meet a requirement under the Liquor Code or PLCB Regulations which makes the licensee eligible for the license, the PLCB may immediately suspend the operating privileges of the licensee.
- Examples include where the licensee no longer meets its seating, square footage, food, health license or room requirements.
- The PLCB must give written notice to the licensee of the exact deficiency and the suspension will remain in effect until the licensee can establish to the PLCB's satisfaction that the deficiency has been corrected.
- If the PLCB refuses to lift the suspension, the suspended licensee can request a hearing before the Commonwealth Court solely on the issue of whether operating privileges should be reinstated. The hearing must be held within 10 days of the filing of the request.



Limited Wineries

- A limited winery licensee may hold a restaurant liquor license at one of its PLCB-approved satellite locations, provided that the location does not serve as an additional PLCB-approved location for any other manufacturer, and further provided that it is not using a retail license (restaurant, hotel, retail dispenser) at its main facility. Previously, an LK licensee could hold a retail license at its main facility only.
- Limited winery licensees may sell wine, liquor, alcoholic cider and malt or brewed beverages produced by other PLCB-licensed manufacturers for consumption on their licensed premises. The combined sales of wine, liquor and malt or brewed beverages produced by other manufacturers may not exceed 50% of the on-premises sales of the limited winery's own wine and alcoholic cider for the preceding calendar year, or for the current year if the limited winery was not operating for a full calendar year.
- Limited wineries may produce and sell mead.

Breweries

- Breweries may sell wine, liquor, alcoholic cider and malt or brewed beverages produced by other PLCB-licensed manufacturers for consumption on their licensed premises. The combined sales of wine, liquor, and malt or brewed beverages produced by another manufacturer may not exceed 50% of the on-premises sales of its own malt or brewed beverages for the preceding calendar year, or for the current year if the brewery had not previously operated for a full calendar year.
 - Breweries may produce and sell mead.



Distilleries

Distilleries can sell wine, malt or brewed beverages, alcoholic cider and liquor produced by other PLCB-licensed manufacturers for consumption on their licensed premises. The combined sales of wine, liquor and malt or brewed beverages produced by other manufacturers may not exceed 50% of the onpremises sales of the distillery's own sales of liquor for the preceding calendar year, or for the current year if the distillery was not operating for a full calendar year.

Limited Distilleries

- Limited distilleries can sell wine, malt or brewed beverages, alcoholic cider and liquor produced by other PLCB-licensed manufacturers for consumption on their licensed premises. The combined sales of wine, liquor and malt or brewed beverages produced by other manufacturers may not exceed 50% of the on-premises sales of the limited distillery's own sales of liquor for the preceding calendar year, or for the current year if the limited distillery was not operating for a full calendar year.
- Act 39 increased the number of additional PLCB-approved locations from two to five.





Slot Machines

- Act 42 established a new Category 4 slot machine license. Ten licenses will be auctioned and the holders of these licenses will be able to apply for a new restaurant liquor license or an eating place retail dispenser license.
- Act 42 permits the holder of a slot machine license that is also authorized to conduct sports wagering to provide free liquor and malt or brewed beverages to patrons actively engaged in sports wagering.

Casino Liquor License

- Any slot machine licensee under the Gaming Act, or an affiliated designee holding a restaurant liquor or eating place retail dispenser license that sells liquor or malt or brewed beverages at or adjacent to a gaming facility, may apply for a casino liquor license. The application fee for a casino liquor license is \$1 million. The annual renewal fee for a casino is \$1 million for each of the first four years and \$250,000 for each year thereafter.
- Casino liquor licensees can sell/serve alcohol 24 hours a day, 365 days a year. Sales may be made anytime the facility is open to the public. Alcohol may be transported and consumed off the gaming floor, as long as it remains within the facility. Free alcoholic beverages may be provided to any person attending an invitation-only event held on the premises. Sales of malt or brewed beverages-to-go are prohibited.
- Casino liquor licenses are not subject to proximity, discount pricing practice restrictions, quota restrictions, amusement permit requirement, minors frequenting, cost and total display area limitations, restrictions on events, tournaments, and contests, restrictions regarding the awarding of prizes.

Store Hours and Days

 Fine Wine & Good Spirits stores are no longer required to be closed on holidays and the restrictions on Sunday operations (no more than 25% of stores open and open only from noon to 5:00 pm) have been removed.

Special Orders

Act 166 removed the requirement that an Special Order (formerly Special Liquor Order, or SLO) order be for two or more bottles. A supplier of a Special Order may not refuse an order from a customer placing an order for one bottle of an item, but the supplier can assess a surcharge if the supplier otherwise requires a minimum quantity purchase.

Clean Indoor Air Act/Hotels

A hotel liquor or hotel retail dispenser license shall be treated as a restaurant licensee with regards to the Clean Indoor Air Act. This change was to address the fact that numerous restaurants lawfully operate under hotel licenses. Therefore, they could not avail themselves of some the exceptions afforded to restaurant licenses holders under the Clean Indoor Air Act.

Groundhog Day

A hotel or restaurant licensee may sell liquor and malt or brewed beverages on Groundhog Day from 7:00 a.m. to 2:00 a.m. the following day, even if it falls on a Sunday, regardless of whether the licensee has a Sunday sales permit.



PSP Bureau of Liquor Control Enforcement

Bureau of Liquor Control Enforcement Topics

Common Violations

Preventing Common Violations

Conditional Licensing Agreements



Common Violations

- Sales to Minors
- Sales to Visibly Intoxicated Patrons
- Sales After Hours
- Happy hour
- Loudspeakers
- Noisy and disorderly operation
- Nuisance/Non-Renewal
- Failure to appoint a manager
- Manager not devoting full time and attention
- Failure to obtain/maintain RAMP certification
- Failure to maintain records for two years
- Not a bona fide

Common Violations – Minors

SALES TO MINORS



Common Violations – Sales to Minors

Compliance Checks Overall Summary Report

This report covers ALL compliance checks

OVERALL TOTALS:

TOTAL CHECKS PERFORMED: 11693

TOTAL NON-COMPLIANT (SOLD): 4499 38.48%

TOTAL COMPLIANT (NO SALE): 7194 61.52%

TOTAL PRESENTED ID: 7615 65.12%

TOTAL SWIPED ID: 815 6.97%

TOTAL FALSE VERBAL: 194 1.66%

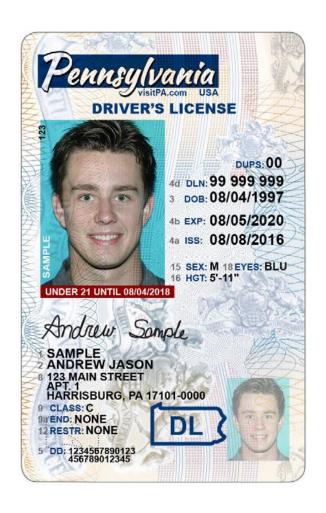
TOTAL RAMP CERTIFIED: 1338

NON-COMPLIANT STATISTICS: 4499

Total Sales that Presented ID: 1479 32.87%



Common Violations – Sales to Minors



Licensees are expected to exercise "Due Diligence" in identifying minors.

- Acceptable IDs only
- Looking beyond the photo
 - Height and eye color
- Declaration of Age Card
 - All out-of-state IDs?

Common Violations – Sales to Minors

Prevention Strategies:

- Continued training
 - Design changes to genuine documents
 - Security features
 - Fraudulent ID trends
- Equipment
 - ID swipe devices, UV lights, etc.
- House policies
 - Carding criteria (e.g. "anyone under 35)
 - Empower all employees
 - Mandatory reporting of fraudulent ID use
- Relationship with local law enforcement
 - Report violations
 - Request assistance



Common Violations – Minors

MINORS FREQUENTING



Common Violations – Minors Frequenting

Prevention Strategies:

- Know the rules!
 - What constitutes "Proper Supervision?"
 - Can an employees supervise minors?
 - Under 21 events
- House policies
 - Time Limitations
 - Area restrictions



SALES TO VISIBLY INTOXICATED PERSONS



Signs of Intoxication

- A <u>subjective</u> determination based upon visible cues.
 - Appearance
 - Speech
 - Attitude
 - Behavior
 - Other



Signs of Intoxication

- Actual BAC is not relevant
- BLCE looks for behavior that would indicate to a lay person that the subject is intoxicated.



Prevention Strategies:

- Education
 - RAMP
 - Intervention Techniques
 - ALL personnel should be trained on recognizing VIPs and tasked with identifying them.
- House Policies
 - Multiple drink purchase limitations
 - Service limitations
 - Shots
 - High alcohol content drinks



Common Violations - Hours of Operation

VIOLATIONS RELATING TO HOURS OF OPERATION



Common Violations - Hours of Operation

Hours Violations:

- Sales after hours
- Patrons in possession
- Failure to vacate



Common Violations – Hours of Operation

Prevention Strategies

- Training
 - Know the rules.
 - Who's a "patron?"
- "Last Call" policy
- Monitoring of premises
 - Video technology



Common Violations – Hours of Operation

Extended Hours Food Permit

- The privilege <u>does not</u> extend the hours of sale for alcoholic beverages; nor does it preclude or replace the Sunday Sales Permit.
- BLCE will review applications and sales invoices for after-hours food sales.
 - Are there any?

DISCOUNT PRICING PRACTICE VIOLATIONS



HAPPY HOUR

- May discount any and all alcoholic beverages for a period of time not to exceed:
 - Four consecutive or non-consecutive hours in a day,
 - Fourteen hours per week.
- The price of alcoholic beverages may not change.
- Notice of all happy hours must be posted on the licensed premises seven days prior to each happy hour.
- No discount pricing may occur between 12:00 a.m. (midnight) and the legal closing hour.

HAPPY HOUR

Common Violations:

- Failure to post
- Exceeding hours
- Prohibited hours
 - Times coincide with sporting events.



DAILY SPECIAL

Common Violations:

- Not limited to specific drink.
 - E.g. "all draft beer," "all Budweiser products," etc.
- More than one drink, or changes during day.
- Permitted:
 - All merlots
 - All brandy drinks
- Not Permitted:
 - All red wines
 - All well drinks



Common Violations – Loudspeaker Noise

LOUDSPEAKER NOISE



Common Violations – Loudspeaker Noise

Know the Law.

- No sound beyond property line.
- Proximity of area homes/businesses in not relevant.
- No complainant required.
- Applies only to amplified sound.



Common Violations - Noisy and Disorderly Operation

NOISY AND DISORDERLY OPERATION



Common Violations - Noisy and Disorderly Operation

BLCE works in cooperation with the local police.

Criteria:

- Does the operation of the establishment adversely effect the surrounding community?
- Is the activity continuous and current?
- Is the establishment taking any steps to mitigate the issue(s).

Common Violations – NUISANCE

NUISANCE



Common Violations – Nuisance Establishments

Somewhat misunderstood

- Many refer to bars with any issues as "Nuisance Bars."
- The bar is actually set fairly high
 - Drug activity
 - Violence (assaults/homicides)
- Neighborhood interviews
- Local law enforcement reports



Common Violations – Managers

MANAGERS



Common Violations – Manager Violations

VIOLATIONS:

- Failed to appoint a full-time manager for the licensed premises.
- Manager failed to devote full time and attention to the operation of the licensed business. (Min. of 35 hours per week)
- Manager was employed by or engaged in another business without board approval.
- Failed to notify the board within 15 days of a change of manager.
- Failed to notify the board within 30 days of entering into, modifying or terminating a management contract.

Common Violations – RAMP

RAMP



Common Violations – RAMP

RAMP REQUIREMENTS:

- 1) Owner/Board-approved manager training
 - Unless the owner/ Board-approved manager had been certified within the past 2 years.
 - An owner is identified as an individual who owns at least 25% of licensed entity.
 - (If a licensee is mandated to obtain RAMP certification, changes managers, the licensee shall be allowed 60 calendar days to have the new manager trained.)
 - If the owner is already RAMP-certified, this new manager has 180 days to complete the certification.
- 2) 50% of sellers/servers RAMP certified, regardless of date of hire.
- 3) New Employee Orientation for all service personnel.
- 4) Proper responsible alcohol service signage posted.
- 5) Affidavit request for RAMP Certification submitted online to PLCB.



Common Violations – RAMP

RAMP Server / Seller Training:

ALL alcohol service personnel are required complete RAMP server/seller training within six months of being hired by a licensee, unless the person had successfully completed said training prior to being hired.

This applies to anyone hired after 8/8/16.

"Alcohol service personnel" is defined as any employee of a licensee such as a bartender, waiter or, in the case of a distributor or importing distributor, a salesperson whose primary responsibility includes the resale, furnishing or serving of liquor or malt or brewed beverages. It also means any employee, such as a doorperson, whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.

Common Violations – Required Records

REQUIRED RECORDS



Common Violations – Required Records

VIOLATIONS:

- Failed to maintain complete and truthful records covering the operation of the licensed business for a period of two years immediately preceding (Date).
- Failed to keep records on the licensed premises.
 - Only the last 6 months have to be maintained on the premise and the remaining portion of the 2 years may be elsewhere as long as they are returned to the premise within 24 hrs. of a request from the PLCB or BLCE.
- Failed to maintain records in conformity with the provisions of the Liquor Code and Title 40 of the Pennsylvania Code.

Common Violations – Not a Bona Fide

NOT A BONA FIDE



Common Violations – Not a Bona Fide

Violation:

 Maintained insufficient (food items, eating utensils, dishes, seating) and/or failed to provide food upon request.



Common Violations – Not a Bona Fide

Definitions:

Section 102 of the Liquor Code defines a restaurant as follows:

A reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public, the place to have an area within a building of not less than four hundred square feet, equipped with tables and chairs, including bar seats, accommodating at least thirty persons at one time.

Common Violations - Not a Bona Fide

Definitions:

Section 102 of the Liquor Code defines a "HOTEL" as follows:

A reputable place operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.

Common Violations – NOT A BONA FIDE

Definitions:

Section 102 of the Liquor Code defines an "EATING PLACE" as follows:

A premise where food is regularly and customarily prepared and sold, having a total area of not less than three hundred square feet available to the public in one or more rooms, other than living quarters, and equipped with tables and chairs, including bar seats, accommodating thirty persons at one time. The board shall, by regulation, set forth what constitutes tables and chairs sufficient to accommodate thirty persons at one time.

Preventing Common Violations

From a risk management perspective, your first line of defense should be RAMP training for all employees.

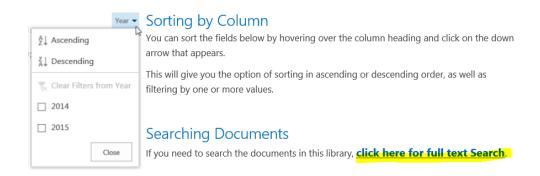
"You're only as good as your worst employee."



Preventing Common Violations

You have one of the greatest legal resources available...

PLCB Advisory Opinions



 Year
 Opinion Number
 Title
 Opinion Date

 2018
 18-291 Yuengling Tailgate Sweepstakes
 8/10/2018

 2018
 18-290 Ywe
 Smirnoff Ice Game Dav Sweepstakes
 8/10/2018



Conditional Licensing Agreements

CONDITIONAL LICENSING AGREEMENTS



Conditional Licensing Agreements

- CLAs are often an alternative to revocation or non-renewal
- BLCE works with the Board to develop CLA conditions to eliminate or mitigate ongoing issues
- BLCE actively monitors compliance
 - Open inspections
 - Undercover investigations



Conditional Licensing Agreements

CLA conditions often include:

- Reduced operating hours
- Restrictions on entertainment
- Requirement to have security personnel
- Requirement to install security cameras
- Requirement to obtain ID scanners and conditions for their use.

Bureau of Wholesale Operations

Bureau of Wholesale Operations Topics

Business Development

LOOP



Wholesale Wine and Spirits Business

- Licensees, Statewide > 13,000
 - Wine Expanded Permits >800
 - Grocery >300
 - Convenience stores >275
 - Hotels/Restaurants >150



Wholesale Wine and Spirits Business

- Wine Expanded Permit
 - Grocery
 - Convenience
 - Hotel/Restaurant
- Non WEP
 - Chain restaurants
 - Casinos/Racetracks
 - Airports/Sports Venues



Wholesale Services to the Licensee Community

- Services for Licensees
 - The focus is on the needs of retail licensees
 - Help you navigate through the purchasing process
 - Provide assistance on product assortment and acquisition
 - Information on purchasing alternatives/avenues
 - Statewide placement for licensee-only items
 - Licensee Delivery Program
 - Corporate culture
 - LOOP Support



Wholesale Contact Information

Name	Role	Phone	Email
Bryan Kelleher	Dir. of Business Development	717-265-8431	bkelleher@pa.gov
Doug Hitz	Dir. of Wholesale Operations	717-787-7963	dhitz@pa.gov
Wholesale Operations		844-363-9463	Ra-lbwholesale@pa.gov



Licensee Online Order Portal (LOOP)



Benefits of using LOOP

- Easy to Access
 - 24/7 access to orders
 - Simple self-registration
 - Tablet friendly
- Easy to Use
 - Ability to view items on sale for the current month and next month
 - Unit pricing for both regular and sale prices
 - Ability to register credit card(s) and or
 ACH payment methods

Benefits of using LOOP

Easy to Track

- Personalized homepage with the licensees order history
- Email confirmations and notifications
- Ability to maintain user roles

Reporting

- Identify seasonal purchasing trends and most popular selling items
- Manipulate data to identify purchasing trends on a weekly basis
- Two-year invoice history

LOOP Support & Contact Information

LOOP Support

Email: PLCBLOOP@pa.gov

Phone: 800-332-7522, option 5

Schedule: Monday through Friday,

8:00 a.m. to 5:00 p.m.



Pennsylvania Liquor Control Board & PSP Bureau of Liquor Control Enforcement

Break





PLCB Bureau of Alcohol Education - RAMP Overview

Topics

RAMP Certification

RAMP and PLCB+

Mandated Licensed Establishments

Mandated RAMP Components



Responsible Alcohol Management Program Certification

What is RAMP Certification?

- RAMP was created as a voluntary certification that applies to the licensed establishment.
- Consists of five components owner/manager training, server/seller training, new employee orientation, signage and request for RAMP certification.
- Must complete all five components for the establishment to become RAMP-certified. Certification is valid for two years, providing the licensee remains in compliance with all components.
- Licensees may also be mandated to complete the program.



RAMP Certification – The Five Parts:

- Owner/Manager Training
- 2. Server/Seller Training
- 3. New Employee Orientation
- 4. Signage
- 5. Request for RAMP Certification

RAMP certification is granted to the licensed premises upon successful completion of all five required components. Completing either the owner/manager or server/seller training alone does not grant certification to the establishment or the person completing the training.

Owner/Manager Training

- At least one owner or the PLCB-approved manager must complete the training.
- May be completed online or in-class.
- Access the course online in PLCB+.
- In-class dates & locations also available in PLCB+.
- Training is valid for two years.



Server/Seller Training

- At least 50% of all alcohol service personnel must complete this training. (This includes anyone who serves alcohol or checks IDs.)
- Provided in class and online by PLCB-approved instructors for a fee.
- Licensee is responsible for scheduling training.
- Instructor is required to give one week notice to the PLCB for classroom training.
- Training is valid for two years, providing the trainee scores an 80% or better on the written exam.



New Employee Orientation Form (NEO)

- The PLCB will provide the licensee with NEO forms.
- Forms must be jointly reviewed & completed by each alcohol service personnel and signed by the owner/manager.
- Original forms should be kept on file for the duration of employment, and maintained for at least two years thereafter.

Alcohol Server Responsibility (#91), House Policies (#93), Licensees, Minors & the Law (#94), and Fake ID (#95) brochures accompany the NEO form.

Signage

- Signage shall at a minimum include the following information: Acceptable forms of identification, refusal of service to minors and VIPs.
- Signage will be provided by the PLCB and must be prominently displayed and easily observed by patrons.
- A licensed establishment may use other signage providing that it is at least 8.5" x 11" in size and is equivalent to the content of the PLCBs. You are not permitted to use the PLCB or RAMP logos.
- The licensee shall be responsible for posting and maintaining the signage at all times.



Request for RAMP Certification

After successful completion of the four previously listed requirements:

- The licensee must apply for RAMP certification online through PLCB+.
- The licensee will receive certification providing all requirements are met.

The establishment is not considered RAMP-certified until this request for certification has been received and approved.



Login or register for a PLCB+ account

PL	-CB	
Online R	egulatory System	
Login to your	account:	
Email:		
Password:		Forgot password?
Login	Need an account? Register here	





LICENSING R.A.M.P.

GRANTS

ALC, ED, MATERIALS

MY PROFILE

SIGN OUT

Main Menu

Please read the entire menu before making your selections.

To add a licensee to your account, please go to "My Profile" and scroll to the bottom of the page where you can add your access code. Please contact the PLCB help desk at 1-844-707-5475 or email ralblicensingmod@pa.gov if you need an access code.

If you are attempting to renew or validate an existing license and it does not show or appear on the bottom right corner of this page, please do not apply for a new license. Please contact the PLCB help desk at 1-844-707-5475 or email ra-lblicensingmod@pa.gov for help with renewing or validating your license.

NEW APPLICATIONS

BRAND REGISTRATION



Apply for a New License

Apply for / Manage / Renew Brands



Click on the Owner/Manager tab. If you do not have an Owner/Manager tab, you must contact RAMP (866-275-8237) and request the premises manager access code.

 Click on the My Profile tab and enter the access code at the bottom of the screen.

Once you click on the Owner/Manager tab you should see a list of all of the licenses you own or can manage. From the Owner/Manager tab you can manage your staff roster and apply for RAMP certification.





Managing Your Staff Roster

Select the Manage Staff/Roster link for the premises you wish to manage.

MY PREMISES See below for a list of your approved Liquor licenses Certification Certification Certification LID # (License Type) Premises Application Licensee Status Expiration Status Manage Certified Apply for Limited Winery) Aug 31, 2018 Staff/Roster Aug 31, 2016 Certification



Managing Your Staff Roster

You must list all members of your alcohol service staff.

You will be able to add and remove staff members.

Click on the employee's name to update staff employment information.

Below is a list of individuals who have been trained under your LID. Your staff roster must include the names of all current staff, including any owners and managers who serve alcohol or check identification regardless if they have been trained. Please review your roster and add and remove staff as necessary. This roster should be updated and maintained and kept in the same manner in which you keep other business records.

STAFF ROSTER Add Staff Member New Employee Roster Owner/Manager Server/Seller Name Hire Date Separation Date Date Trained Orientation Date Activation Date Date Trained Betty White Feb 7, 2017 mmm dd, yyyy Feb 7, 2017 mmm dd, yyyy Remove Feb 7, 2017 mmm dd, yyyy Tom Cruise Oct 20, 1999 Feb 7, 2017 mmm dd, yyyy Feb 7, 2017 Remove



Apply for RAMP Certification



After successful submission of the RAMP certification application you will be presented with a confirmation page that summarizes the application details. Your application has now been sent to the PLCB to process.

You will see the details of the application under **My Certification Applications Under Review** until it is fully processed by the PLCB.

Once the application is approved, you can print your RAMP certificate found under **My Approved Certification Applications.**

LIQUOR CONTROL BOARD

Maintaining Compliance of RAMP Certification

Once the establishment is RAMP-certified:

- If the owner or manager who completed owner/manager training changes, the new owner or manager has 60 days to complete training.
- If server/seller trained individuals falls below 50%, additional individuals must be trained within 60 days.
- New Employee Orientation Forms must be completed by all new hires within 30 days of being hired.
- Maintain posting of VIP and minor signs at all times.
- Add/delete employees to the Alcohol Service Staff Roster.



Benefits of RAMP Certification to the Licensee

- Knowledgeable, well-trained staff and management.
- Recognition as a responsible licensee in your community.
- Possible reduction in fines and penalties.
- Less likelihood of dram shop liability.
- Possible liquor liability insurance discount.



Mandated Licensed Establishments

When is a licensee required to complete all five RAMP components?

- An Administrative Law Judge (ALJ) can order a licensee to become RAMP-certified when they are found guilty of the following Liquor Code violations:
 - Service to minors
 - Service to Visibly Intoxicated Patrons
- A licensee may also be required to complete RAMP certification as part of a conditional licensing agreement (CLA).
- Prior to obtaining a wine expanded permit (licensee must maintain compliance).

Mandated RAMP-Components

When are RAMP training components required, without being mandated to become RAMP-certified?

Owner/Manager Training:

 Act 113 of 2011 requires newly approved managers of certain license types to complete this training within 180 days of approval by the PLCB. (effective 2-20-12)



Mandated RAMP-Components

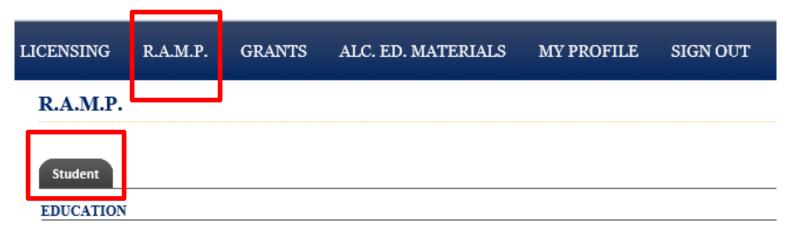
When are RAMP training components required, without being mandated to become RAMP-certified?

Server/Seller Training:

- For all staff serving alcohol at an off-premises catering event.
- For all cashiers selling wine at an establishment with a wine expanded permit.
- For all new alcohol service personnel hired on/after 8-8-16 who are not RAMP server/seller trained must be trained w/in six months of being hired and be re-trained before their current training expires.
- For all new alcohol service personnel hired on/after 8-8-16 who are already RAMP server/seller trained must be re-trained before their current training expires.
- For all employees hired before 8-8-16 who are not RAMP server/seller trained, but transfer into an alcohol service position on/after 8-8-16, need to be trained w/in six months of assuming their new duties.

Register for Training in PLCB+







Register for a Course

(Search for and register for Education course offerings)



(View and manage which rosters you appear on)



To Review.....

A licensed establishment must complete all five components to become RAMP-certified.

- 1. Owner/Manager Training
- 2. Server/Seller Training
- 3. New Employee Orientation
- 4. Signage
- 5. Request for RAMP Certification



Pennsylvania Liquor Control Board & PSP Bureau of Liquor Control Enforcement

Q & A



