

Restaurant Employees Can Be Your Best Defense or Your Worst Enemy When it Comes to Liquor License Citations

Articles, News July 8, 2019

Recently, on a drive back to Harrisburg from New York, I stopped in at a popular road-side destination for a drink and a bite to eat and was reminded that compliance with Pennsylvania Liquor Control Board (“PLCB”) regulations can only be as effective as your least trusted employee. Insufficient training and careless employees will almost certainly lead to a PLCB citation eventually.

While I was seated at the bar, a young looking couple approached to purchase beer to go. They seemed obviously young, nervous and extremely awkward at the bar. The bartender made the easy decision to request ID before allowing the purchase. Neither of the patrons could produce valid identification and the sale was not processed by the bartender.

Although the bartender did the right thing in this circumstance, her comments following the incident were revealing. First, after the couple left the bar area, the bartender began talking to the other patrons seated at the bar to share her theory that “those two were probably with the PLCB trying to get us for underage service!”

First, the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”), not the PLCB, is the entity that ensures compliance with the Liquor Code through on-site visits. Further, a BLCE underage compliance check typically involves one or two BLCE agents who accompany an underage patron to the bar. When the underage patron approaches the bar, he/she hand the bartender their *actual* driver’s license in order to complete an actual sale. If the server makes the sale rather than read the birthdate on the purchaser’s licensee, the owner is later notified that they sold alcohol to a minor.

In addition to service of minors, BLCE can enforce many other Liquor Code prohibitions, including but not limited to:

- Service of alcohol to visibly intoxicated patrons. This is a subjective determination and does not require a blood alcohol test of the intoxicated patron to warrant a citation.
- Business records of alcohol purchases maintained behind bar or on-site.
- Tap cleaning on a regular basis and maintenance of records memorializing that cleaning was done.
- Whether or not music can be heard off of the licensed premises. If music can be heard outside of the premises, a citation could be issued.

Another common aspect to a BLCE investigation is that they are undercover and the investigation itself is not known by the owner. BLCE officers are permitted to sit at your bar and consume alcoholic beverages while they inconspicuously observe your operation and take notes. Shockingly, on a typical investigation, which can last weeks in some cases, the agents do not even announce their presence to owners after they discover a violation – rather notice comes weeks later via mail.

Although the situation described above was not likely a PLCB “sting” and did not result in a BLCE citation, the comments made by the bartender suggest a lack of training which could be costly if an actual PLCE visit occurs – which it will, eventually. Further training of employees is necessary so that all staff better understand the role of the PLCE and what an actual investigation would entail.

For additional information contact Evan Pappas.