

August 21, 2015

Hitesh Patel

Via E-mail: hitu_1979@yahoo.com

RE: RAMP

Dear Mr. Patel:

ISSUE: This office is in receipt of your e-mail of July 13, 2015, wherein you advise that you are a Pennsylvania Liquor Control Board (“Board”) distributor licensee. You inquire if you are required to hire a “ramp approved manager” to work at your establishment on dates that neither you nor the Board approved manager is working.

Board records indicate that HH Beer Box, LLC holds Distributor License No. D-2462 (LID 69627) for use by it at premises located at 3350 Grant Avenue, Philadelphia, Pennsylvania. You are listed as a member of the LLC and Francis C Kalanty is listed as the Board-approved manager.

OPINION: No you do not need to hire a responsible alcohol management program (“RAMP”) – approved manager for those occasions when neither you nor your Board-approved manager are present. Section 5.23 of the Board’s Regulations requires every licensed establishment to have a manager approved by the Board and states in pertinent part:

(a) The operation of a licensed business requires a manager. A licensee shall appoint an individual as manager for each licensed establishment. The manager shall devote full time and attention to the licensed business.

[40 Pa. Code § 5.23(a)]. However, this does not mean that the manager must be physically present every minute the establishment is open for business¹.

¹ Please note that section 5.23(g),(h) of the Board’s regulations [40 Pa. Code § 5.23(g),(h)] do require that:

Section 471.1(d), of the Liquor Code states:

In order to be considered in compliance with this section for purposes of section 471, a restaurant, retail dispenser, eating place, hotel, club, catering club, distributor and importing distributor licensee shall:

- (1) have at least fifty per centum of its alcohol service personnel certified as having successfully completed an alcohol beverage servers training;
- (2) have its manager or owner certified as having successfully completed manager/owner training;
- (3) have all alcohol service personnel undergo new employee orientation; and
- (4) have appropriate responsible alcohol service signage posted on the licensed premises.

For purposes of this section, an owner is an individual who owns at least twenty-five per centum of the licensed entity.

[47 P.S. § 4-471.1(d) (emphasis added)]. Thus, an establishment is only required to have its Board-approved manager or owner complete RAMP training, he/she are not required to be physically present to be on the premises at all times.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS

g) In the event of the illness or extended vacation of a licensee, the Board may approve the appointment of a manager for a period not to exceed 30 days. In case of emergency, the approval may be extended upon written request of the licensee.

(h) The licensee, without Board approval, may designate one of its employees as the person in charge of the business for a period of time not to exceed 15 calendar days, when the manager is absent from the licensed premises.

BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 15-360