

June 2, 2016

Joshua Calhoun
Chili's
VIA E-MAIL

RE: Record Retention Requirements for Restaurants

Dear Mr. Calhoun:

ISSUE: This is in response to your e-mail dated May 18, 2016 in which you ask whether a restaurant licensee must maintain original invoices for all liquor purchases made at the Pennsylvania Liquor Control Board's ("PLCB") wine and spirits stores, or whether copies of the invoices are sufficient.

PLCB records indicate that Grayling Corporation, trading as Chili's Grill and Bar, holds Restaurant Liquor License No. R-18968 (LID 60715) for use at the premises located at 817 Old York Road, Jenkintown, Pennsylvania.

OPINION: There is nothing in the Liquor Code or PLCB's Regulations that requires original invoices to be maintained, as opposed to duplicates or electronic versions. Thus, you may retain copies of your purchase invoices from the PLCB.

Please note that section 493(12) of the Liquor Code provides that it shall be unlawful:

[f]or any liquor licensee, or any importing distributor, distributor or retail dispenser, to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business, particularly showing the date of all purchases of liquor and malt or brewed beverages, the actual price paid therefore, and the name of the vendor, including State Store receipts, or for any licensee, his servant, agents or employees, to refuse the board or an authorized employee of the board or the enforcement bureau access thereto or the opportunity to make copies of the same when the request is made during business hours. The records from the most recent six-month period must be maintained on the licensed

premises. Records for the remainder of the two-year period may be kept off the licensed premises so long as the records are returned to the licensed premises within twenty-four hours of a request by the board or enforcement bureau. A licensee may remove the records for the most recent six-month period from the licensed premises only for a lawful business purpose provided that they are returned to the premises when that business is completed.

47 P.S. § 4-493(12).

Should you have any additional questions, do not hesitate to contact this office.

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 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.

Sincerely,



RODRIGO J. DIAZ
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. 16-204