

July 12, 2016

Shawn
Mad Mex North Hills
VIA E-MAIL

RE: Owner/Manager RAMP Training Requirement

Dear Shawn:

ISSUE: This office is in receipt of your e-mail dated June 15, 2016, wherein you ask if all restaurant managers are *now* required to complete the owner/manager training portion of the RAMP certification process. It is assumed that you are referring to changes made to the RAMP program as part of the recently passed legislation known as Act 39 of 2016 (“Act 39”).

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Luna Brothers Inc. holds Restaurant Liquor License No. R-9634 (LID 35411) for the premises located at 7905 McKnight Road, Pittsburgh, Pennsylvania.

OPINION: By way of background information, Act 113 of 2011 (“Act 113”) made changes to numerous sections of the Liquor Code, including those dealing with RAMP. Specifically, Act 113 added subsection (g) to section 471.1 of the Liquor Code, which provides as follows:

Unless successfully completed prior to appointment, a manager appointed by any restaurant, eating place retail dispenser, hotel, club, limited distillery licensee or distributor licensee shall be required to complete the manager/owner training under subsection (c) within one hundred eighty days of approval of appointment by the board.

47 P.S. § 4-471.1(g). This provision became effective on February 20, 2012. Therefore, as of February 20, 2012, every manager appointed by a restaurant, eating place retail dispenser, hotel, club, limited distillery licensee, or distributor licensee is required to complete the owner/manager training portion of the RAMP certification within 180 days of being approved as manager by the PLCB. The only way that a manager would be exempt from this requirement is if he/she had successfully completed the owner/manager RAMP training prior to being appointed as the current licensee’s manager.

Please be advised that on June 8, 2016, Governor Wolf signed into law Act 39, making various changes to the Liquor Code. The changes made by Act 39 will be effective on August 8, 2016. One such change is that all alcohol service personnel must complete RAMP server/seller training within six months of being hired by a licensee, unless the personnel had successfully completed the training prior to being hired. Owner/manager training and server/seller training are distinct. If a particular restaurant manager was not subject to the mandatory owner/manager training of Act 113, he or she may nonetheless be subject to the server/seller training requirement of Act 39, if he or she is considered "alcohol service personnel," as that term is defined in section 102 of the Liquor Code:

"Alcohol service personnel" shall mean any employe 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 shall also mean any employe, such as a doorman, whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.

47 P.S. § 1-102.

Please do not hesitate to contact this office should you have additional questions.

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

Shawn
July 12, 2016
Page 3

LCB Advisory Opinion No. 16-248