

July 12, 2016

Allison Kulas, Licensing Coordinator
Legal Department
Buffalo Wild Wings
5500 Wayzata Blvd, Ste. 1600
Minneapolis, MN 55416
VIA E-MAIL

RE: Tablet Ordering

Dear Ms. Kulas:

ISSUE: This office is in receipt of your e-mail, dated June 8, 2016, wherein you explain that Buffalo Wild Wings intends to test the re-ordering of alcoholic beverages via a tablet. You note that the re-ordering will be accomplished as follows. Initially, the patron will order the alcoholic beverage from the server or bartender who will check the patron's identification. When the patron is ready to order another beverage, the patron will press a button on the tablet which will display the patron's check. From this screen, the patron can choose to reorder items listed on the check. You note that patrons will only be permitted to reorder each alcoholic beverage listed once, and that the technology permits you to designate which items may be reordered. Once the alcoholic beverage is reordered, the bar will fill the order and a server will deliver the alcoholic beverage to the table. The patron's identification will not be checked again. You ask if this method of reordering alcoholic beverages is permissible.

Pennsylvania Liquor Control Board ("PLCB") records indicate that Blazin Wings, Inc., t/a Buffalo Wild Wings, holds the following active restaurant liquor licenses: (1) R-19603 (LID 45974) for use by it at premises located at 3469 William Penn Highway, Pittsburgh, Pennsylvania; (2) R-16564 (LID 46880) for use by it at premises located at 480 Home Drive, Pittsburgh, Pennsylvania; (3) R-20381 (LID 46881) for use by it at premises located at 6215 State Route 30, Greensburg, Pennsylvania; (4) R-14463 (LID 59427) for use by it at premises located at 500 Grandview Crossings Drive, Suite 60, Gibsonia, Pennsylvania; (5) R-19258 (LID 64264) for use by it at premises located at 3798 Dryland Way, Easton, Pennsylvania; (6) R-8796 (LID 64299) for use by it at premises located at 20215 Route 19, Unit 107, Cranberry Township, Pennsylvania; (7) R-18631 (LID 64331) for use by it at premises located at 103 Quarry Road,

Downingtown, Pennsylvania; (8) R-11917 (LID 64639) for use by it at premises located at 9701 Roosevelt Boulevard, Philadelphia, Pennsylvania; (9) R-18719 (LID 64935) for use by it at premises located at 2763 East Lincoln Highway, Langhorne, Pennsylvania; (10) R-12890 (LID 65001) for use by it at premises located at 996 Mountain View Drive, West Mifflin, Pennsylvania; (11) R-7875 (LID 66037) for use by it at premises located at 920 Baltimore Pike, Glen Mills, Pennsylvania; (12) R-7107 (LID 66335) for use by it at premises located at 1225 Grape Street, Whitehall, Pennsylvania; (13) R-15231 (LID 66446) for use by it at premises located at 105 North Northern Way, York, Pennsylvania; (14) R-19037 (LID 66834) for use by it at premises located at 6385 Carlisle Pike, Mechanicsburg, Pennsylvania; (15) R-19396 (LID 66930) for use by it at premises located at 81 Wilson Avenue, Hanover, Pennsylvania; (16) R-3107 (LID 67109) for use by it at premises located at 4300 Jonestown Road, Suite 89, Harrisburg, Pennsylvania; (17) R-14727 (LID 68300) for use by it at premises located at 25 Liberty Lane, Williamsport, Pennsylvania; (18) R-18568 (LID 68715) for use by it at premises located at 3100 Shenango Valley Freeway, Hermitage, Pennsylvania; (19) R-12929 (LID 68861) for use by it at premises located at 2065 Fruitville Pike, Lancaster, Pennsylvania; (20) R-19421 (LID 68862) for use by it at premises located at 1510 Egypt Road, Phoenixville, Pennsylvania; (21) R-5481 (LID 69321) for use by it at premises located at 319 Bear Creek Commons, Wilkes Barre, Pennsylvania; (22) R-12331 (LID 69782) for use by it at premises located at 50 Old Mill Boulevard, Washington, Pennsylvania; (23) R-17295 (LID 69860) for use by it at premises located at 320 Town Center Drive, York, Pennsylvania; (24) R-10861 (LID 69946) for use by it at premises located at 100 Viewmont Drive, Suite 614, Scranton, Pennsylvania; (25) R-19227 (LID 70686) for use by it at premises located at 201 Easton Road, Warrington, Pennsylvania; and (26) R-17113 (LID 70769) for use by it at premises located at 249 Marketplace Boulevard, Selinsgrove, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the PLCB's Regulations that would prohibit patrons of a licensed establishment from re-ordering alcoholic beverages electronically via a tablet in the manner you described. However, please note that if there is a conditional licensing agreement that prohibits this method of re-ordering or requires checking the identification of patrons each time a drink is ordered, you must adhere to those requirements.

Additionally, be advised that section 493 of the Liquor Code makes licensees of the PLCB strictly liable for allowing minors (persons under twenty-one years of age) to frequent their licensed premises, and for serving or furnishing alcohol to minors and/or visibly intoxicated persons on their licensed premises. 47 P.S. § 4-493(1), (14). Thus, it is generally considered to be in the best interests of licensees to require patrons to

provide identification when their age is in question so as to avoid violations of section 493. Likewise, it may not be in the best interest of licensees to permit reordering without oversight because this could lead to visibly intoxicated patrons being served.

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 No. 16-250