

August 31, 2016

Alfredo Daniele
Cloud 9 Airport Restaurant & Lounge
Williamsport Regional Airport (IPT)
700 Airport Road
Montoursville, PA 17754
VIA E-MAIL

RE: RAMP Training Requirements

Dear Mr. Daniele:

ISSUE: This office is in receipt of your e-mail of July 14, 2016, wherein you provide that you are the manager of Cloud 9 Airport Restaurant & Lounge LLC (“Licensee”) and that you are also an approved Responsible Alcohol Management Program (“RAMP”) server/seller trainer.

You seek clarification regarding the following server/seller RAMP training required in Act 39 of 2016 (“Act 39”).

Unless successfully completed prior to being hired, all alcohol service personnel shall be required to complete the training for alcohol service personnel under subsection (b) within six months of being hired by a licensed establishment.

47 P.S. § 4-471.1(h).

First, you ask whether this new provision applies to all new employees (similar to the owner/manager training requirement) as of August 8, 2016, or does it apply to all current servers on August 8, 2016 and to new employees hired after August 8, 2016.

Second, you ask what is the timeframe, in order to be exempted, in which a RAMP-trained server/seller must have previously completed certification (is it the two years that is being utilized for owner/manager RAMP training).

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Licensee holds Airport Restaurant Liquor License No. AR-138 (LID 66286) for use by it at the premises located at 700 Airport Road, Montoursville, Pennsylvania.

OPINION: As to your first question, alcohol service personnel hired on or after August 8, 2016, who are not RAMP server/seller trained, will have to become RAMP server/seller trained within six months of being hired. With regard to a licensee’s existing alcohol service personnel as of August 8, 2016, this alcohol service personnel will not be required to become RAMP server/seller trained, unless said licensee is required pursuant to a conditional licensing agreement or another provision of the Liquor Code or PLCB’s Regulations. Further, licensee’s employees that are not currently considered alcohol service personnel but are transferred into an alcohol service personnel position on or after August 8, 2016, will need to secure RAMP server/seller-training within six months of assuming their new duties.

Please note that section 102 of the Liquor Code, 47 P.S. § 1-102, defines the term “alcohol server personnel” as:

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 doorperson, whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.

With regard to your second question, newly-hired alcohol service personnel who are currently RAMP server/seller trained, will have to be re-trained when their training expires (i.e., a new employee who is RAMP server/seller trained until September 25, 2016, must be RAMP server/seller re-trained as of September 26, 2016).

If you have any additional questions regarding the Liquor Code or the PLCB’s regulations, feel free to again 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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-331