

September 19, 2016

Theodore J. Zeller, III, Esquire
Norris McLaughlin & Marcus, P.A.
515 West Hamilton Street, Suite 502
Allentown, PA 18101
VIA FACSIMILE

Re: Wine Expanded Permit Holders and RAMP

Dear Mr. Zeller:

ISSUE: This is in response to your letter dated August 23, 2016, wherein you advise that you represent Allentown Grain LLC (“your client”), a restaurant liquor licensee. You advise that on August 18, 2016, you filed a Wine Expanded Permit (“WEP”) application on behalf of your client. Subsequently you were advised that the processing of the application was placed on hold because your client is not certified under the Responsible Alcohol Management Program (“RAMP”). It is your opinion that this is an incorrect recitation and interpretation of the law. You note that Act 39 of 2016 (“Act 39”) requires a WEP holder to “comply with the RAMP provisions under Section 471.1.” You assert that section 471.1

[O]nly requires the manager to complete RAMP certification within 180 days of the approval of their appointment by the Board. 47 P.S. § 471.1. Further, Section 471.1 only requires the licensee to become RAMP certified when required by Section 4-471.

Based on these assertions, you believe that a licensee does not have to become RAMP certified in order to qualify for a WEP, and you would like this office to direct the Bureau of Licensing to process your client’s application.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that your client holds Restaurant Liquor License No. R-16463 (LID 67854) for the premises at 536-538 West Hamilton Street, Allentown, Pennsylvania.

OPINION: Act 39 added section 415 to the Liquor Code, which provides, in subsection (a)(6), “A wine expanded permit holder shall comply with the Responsible Alcohol Management provisions under section 471.1.” The General Assembly intentionally used

the plural word “provisions.” Section 471.1 establishes four parts of RAMP: new employee orientation, training for alcohol service personnel, manager/owner training, and the displaying of responsible alcohol service signage. 47 P.S. § 4-471.1(a). Upon completion of these four parts, the licensee will become certified. 47 P.S. § 4-471(f). Had the General Assembly only intended to require manager training, as you suggest, it would not have used the plural word “provisions.”

Moreover, had the General Assembly only meant that a WEP applicant must have a manager that has received manager/owner training within 180 days of being approved by the PLCB, it would have specifically referenced section 471(g). 47 P.S. § 4-471(g). Instead, the General Assembly referenced the entire section pertaining to responsible alcohol management. In addition, since section 471(g) already applies to WEP applicants, this interpretation would render section 415(a)(6) superfluous. Therefore, this office concludes that Act 39 requires WEP applicants to be RAMP-certified before a permit will be issued.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB’s Regulations, please feel free to once 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,



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