

December 2, 1998

Richard J. Baumgardner, Esq.

Colonial Mini Plaza, Route 30 West

RR6, Box 310-7

Latrobe, PA 15650

Re: Dino & Associates, Inc.

License No. R-20439

Dear Mr. Baumgardner:

ISSUE: In your letter dated November 6, 1998, you inquired on behalf of your client, a restaurant liquor licensee, as to whether your client may send a registered letter to a patron who has caused problems within the licensed establishment advising him/her that if he/she comes back on the licensed premises he/she will be charged with criminal trespass.

OPINION: There is nothing in the Liquor Code or the Board's regulations which would prohibit a restaurant liquor licensee from sending registered letters to patrons, who have caused problems on licensed premises, advising them that if they reenter the licensed premises, they will be charged with criminal trespass. However, there is also nothing specifically authorizing such a procedure.

While the Board is not authorized, nor does it have the expertise, to determine what constitutes criminal trespass or when such a charge can be brought, the Board has consistently urged licensees to bar patrons who cause problems or are involved in illegal activity on the licensed premises as long as they are not barring patrons for illegal or discriminatory reasons.

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.

Very truly yours,

FAITH S. DIEHL

CHIEF COUNSEL

cc: Bureau of Liquor Control Enforcement,

Pennsylvania State Police

Refer to: (717) 783-9454

FAX: (717) 787-8820

Advisory Opinion No. 98-387