

This resource details the Licensee Compliance Program investigation and suspension process. The Pennsylvania Liquor Control Board (PLCB) reserves the right to adjust or amend this process to appropriately address repeat offenders.

INSPECTIONS OF LICENSED PREMISES

Upon receipt of a complaint against a licensee that is actionable by the PLCB (related to seating, food, square footage, room, health license, and other similar requirements), a licensing analyst will conduct an unannounced on-site visit. The analyst, accompanied by a law enforcement officer, will inspect the licensed premises for compliance with the following criteria:

1. **Seating:** Restaurant (R), Eating Place (E), and Hotel (H) licensees must have at least 30 seats (not stacked) on the premises, available for public use.
2. **Food:** Restaurant (R), Eating Place (E), and Hotel (H) licensees must have sufficient food for at least 30 patrons on premises. See [Licensee Food Guidelines](#).
3. **Health Permit:** Must be current and valid.
4. **Square Footage:** Analyst will evaluate licensed premises to determine if there are any alterations that differ from the depiction of the approved licensed premises on file. Refer to [Liquor License Requirements by License Type](#) for square footage requirements by license type.
5. **Kitchen:** Eating Place (E) and Hotel (H) licensees must have a kitchen or food preparation area on premises.
6. **Bathroom:** Distributor (D) and Importing Distributor (ID) licensees must have a functional bathroom on premises for employee use.
7. **Rooms:** Hotel (H) licensees must have rooms available for transient guests, unless an exemption waiver was granted.

The above inspection criteria will be detailed on a checklist to be used by the licensing analyst to document deficiencies.

If no deficiencies are discovered during the inspection, an internal report will be completed and recorded in the licensee's official file with the PLCB Bureau of Licensing.

ADDRESSING DEFICIENCIES IN MEETING LICENSE REQUIREMENTS

Deficiencies will be documented and addressed with the licensee through the following steps:

1. The analyst will take photographs of the licensed premises and the deficiency(ies).
2. A copy of the checklist the licensing analyst used to document the deficiency(ies) will be provided to the licensee, detailing the date and time of the inspection.
3. If the deficiency(ies) can be remedied promptly, the analyst will await the remedy(ies) and document such on the deficiency checklist.

4. If the deficiency(ies) cannot be remedied promptly, a notice of suspension of operating privileges, effective immediately, will be posted on-site, based on the deficiency(ies) identified in the checklist. Such notice will include:
 - Clarification that suspension of operating privileges means the licensee no longer has the authority to sell or serve alcohol under its liquor license.
 - Notification that a follow-up inspection may be requested by the licensee. Should the licensee prove the deficiency has been remedied during the follow-up inspection, the suspension notice will be removed and operating privileges will be restored.
 - Information on due process and appeal rights. An appeal of the PLCB's decision not to restore operating privileges must be filed with Commonwealth Court.
 - Notification that the license must be submitted for safekeeping if the licensee isn't able to use its operating privileges for longer than 15 days.
5. Each inspection will be recorded in the licensee's official file with the PLCB Bureau of Licensing.
6. The Pennsylvania State Police Bureau of Liquor Control Enforcement (BLCE) will be notified of the suspension.

NOTE: Separately from the PLCB inspection of the licensed premises, accompanying law enforcement officers may cite or charge the licensee for other violations.

FOLLOW-UP VISIT SUBSEQUENT TO SUSPENSION OF OPERATING PRIVILEGES

At the licensee's request, a follow-up inspection will be conducted within one to five business days of the request to determine if the deficiency(ies) have been remedied.

- If so, the suspension notice will be removed, operating privileges will be restored, and the BLCE will be notified.
- If the deficiency(ies) remain, operating privileges will remain suspended.

If deficiencies remain upon re-inspection, a third or subsequent inspection will not be conducted at the same premises within 10 business days of the most recent re-inspection.

All subsequent inspections will also be recorded in the licensee's official file with the PLCB Bureau of Licensing.

APPEALS

In cases in which the PLCB refuses to reinstate operating privileges because of a continued or unaddressed deficiency, the licensee may request a hearing before Commonwealth Court. The hearing must happen within 10 days of the request.

Liquor License Requirements by License Type



Licenses issued by the Pennsylvania Liquor Control Board (PLCB) have specific requirements defined by state law and regulations. Below are the license requirements for which licensing analysts will evaluate an establishment's compliance.

LICENSE REQUIREMENTS BY LICENSE TYPE

	Minimum Size of Licensed Premises	Food & Seating Requirements	Health License Requirements	Room Requirements
Restaurant (R)	400 sq. ft.	<ul style="list-style-type: none"> • Must have at least 30 seats and food* for at least 30 patrons. • Bar stools are acceptable as seating. • Seating may not be stacked. • Must have dishes and silverware to accommodate at least 30 patrons. 	Must have current and valid health license issued by the governing municipal authority.	N/A
Eating Place (E)	300 sq. ft.			Functioning kitchen or food preparation area must be on-site.
Hotel (H)	400 sq. ft.			<ul style="list-style-type: none"> • Functioning kitchen or food preparation area must be on-site. • Hotel rooms must be available for transient guests, unless an exemption waiver was granted.
Distributor (D) & Importing Distributor (ID)	1,000 sq. ft. (D) 2,500 sq. ft. (ID)	N/A	N/A	Functioning bathroom must be available for employee use.

* See [Licensee Food Guidelines](#).

While the Pennsylvania Liquor Code and regulations don't define what amounts or offerings are sufficient and acceptable food provisions for Restaurant (R) and Eating Place (E) licensees, the law does specify that a restaurant must be habitually and principally used for the purpose of providing food to the public. Court cases over the years have informed acceptable versus unacceptable food offerings.

Below are examples of what has been found by the courts to be acceptable and unacceptable food offered by retail liquor licensees to the public.

FOOD-RELATED REQUIREMENTS FOR RESTAURANT (R), EATING PLACE (E), & HOTEL (H) LICENSEES

- Must maintain dishes and silverware sufficient to serve 30 or more patrons at one time.
- Must offer a menu of food that is available for ordering.
- May establish hours of food availability, but food must be available daily.

UNACCEPTABLE FOOD OFFERINGS

- A take-out menu from another establishment*
- Snack items (chips, pretzels, peanuts, etc.) only
- Expired or post-dated food
- Raw or frozen food without any method for cooking the food
- Food that cannot be identified or quantified due to long-term freezing
- Individual ingredients or food items that cannot be readily prepared as a meal
- Amounts or quantities of food that would not provide for 30 patrons at one time (examples: one pound of roast beef, 12 sandwiches, two steaks, three small cans of soup, etc.)

* Food for 30 or more patrons and the ability to prepare the food on-site is required at initial inspection before a license is issued. As such, Licensee Compliance Program inspections will require the licensee to maintain that standard and be able to prepare and serve food for 30 or more patrons.