

## Roles in Licensing and Enforcement

While the *PLCB* is responsible for issuing and renewing liquor licenses, enforcement of liquor laws as they relate to licensees including bars and restaurants is not the responsibility of the agency. The *PLCB* can refuse to renew a license, but it is not authorized to fine a licensee or revoke or suspend a liquor license for citation matters.

Instead, enforcement of the Liquor Code and *PLCB* regulations is done by the *Pennsylvania State Police, Bureau of Liquor Control Enforcement (PSP BLCE)*. The *PSP BLCE* issues citations against bars and restaurants who are found to be in violation of the Liquor Code.

The *Office of Administrative Law Judge*, which is an authority independent of the *PLCB*, adjudicates all citations against licensees issued by the *PSP BLCE*. For each citation, the *Administrative Law Judge (ALJ)* issues an adjudication presenting findings of fact, conclusions of law and penalties, where applicable. The *Office of ALJ* has the authority to revoke liquor licenses.

- Following citation by the *PSP BLCE*, a licensee may either admit guilt and waive appeal rights or request a hearing before an *ALJ* to challenge or contest the citation.
- Similar to court hearings, *ALJ* hearings provide the licensee and the *PSP BLCE* opportunities to testify under oath and call witnesses, who may be subjected to questioning by both parties. In a hearing, the *PSP BLCE* has the burden of proving a licensee violated the Liquor Code.
- Many *ALJ* adjudications are available online in a searchable database. The *PLCB* also summarizes adjudicated citations issued against licensees within its License Search System.

## The Nuisance Bar Program

The Nuisance Bar Program, first established in 1990, facilitates the *PLCB*'s refusal of license renewal when a licensee has abused its license privileges through a pattern of violations or conduct that threatens the health and safety of the local community.

The program seeks the input and partnership of local communities, law enforcement partners, government authorities and the General Assembly to help eliminate "problem bars" from communities.

The Board typically objects to the renewal of more than 150 licenses annually, often under its statutory obligation to protect the safety, peace, health and welfare of the commonwealth [47 P.S. § 1-104(a)].

The program has been able to deny licensed authority to the establishments at times when the various police or other government powers have been unable to do so.

Additionally, local authorities including police, district attorneys and judges can play roles in closing a licensed establishment, most often in the interest of public safety.

County Common Pleas Courts have the authority to overturn *PLCB* decisions not to renew or grant liquor licenses. If a licensee appeals the *PLCB*'s refusal of a license, the licensing matter is appealed to the Court of Common Pleas in the county where the license applicant is located.

Additionally, should either the *PSP BLCE* or the license applicant contest the *Office of ALJ*'s determination of a citation matter, the *Office of ALJ*'s adjudication can be appealed to the Court of Common Pleas in the county where the license applicant is located.

A county judge's decision is binding on the *PLCB*.