



State Representative Harry A.

READSHAW

report

36TH DISTRICT



1917 Brownsville Road • Pittsburgh, PA 15210 • (412) 881-4208

HOW TO COMBAT NUISANCE BARS

A Step-by-Step Guide on Protesting the Issuance of an Alcoholic Beverage License

A Message from Rep. Harry Readshaw

In most cases, taverns and restaurants that serve alcoholic beverages operate properly and contribute in positive ways to the vibrancy of their community. By providing an enjoyable atmosphere for socializing and dining, responsible licensed establishments can enhance the quality of life for us all.

Unfortunately, some licensed bars and restaurants are viewed by neighbors as a nuisance because of the disruptive and illegal behavior that they attract. Residents, community groups and local officials struggle to understand their rights and available courses of action to combat these establishments.

Of course, individuals should contact the police when they hear or observe unlawful behavior by an establishment or its patrons. That puts the incident on the record as evidence. An accumulation of evidence can be employed as part of the most potent tactic for combating nuisance bars and restaurants: opposing the transfer or renewal of a liquor license.

Eliminating a nuisance bar is a process, one that can take months of working with government agencies to ensure that adequate information has been acquired to guarantee a license transaction will be denied.

I hope the information in this pamphlet empowers you and your fellow citizens to take action where nuisance bars are a problem.

If you have any questions or need additional assistance, please don't hesitate to contact me or my staff.

Sincerely,

Harry Readshaw

LICENSE PROTESTS / PETITIONS

STEP 1: PUBLIC NOTICE

Applicants for hotel, restaurant, club and beer distributor licenses are required by law to post public notice of their application for these licenses.

A sign similar to the one shown here must be posted on a clearly visible part of the proposed premises. Objections to the approval of a proposed alcoholic beverage license must



be filed within 30 days of the posting of a public notice by license applicants.

MINIMUM POSTING REQUIREMENTS

STEP 2A: FILING A PROTEST

Protests may be filed when there is:

1. Application for transfer of a license from one place to another place without changing ownership (place to place).
2. Transfer to a new owner from an existing owner at the same location (person to person).
3. Application for a new license at an unlicensed premises (new license).
4. An application to transfer both ownership and the location of an existing application (double transfer).

Protests may be based on location or the qualifications of the applicant.

STANDING:

Those who are permitted to protest when a location is at issue include:

1. Restrictive Institution (e.g. school, church, hospital, playground, etc.) located within 300 feet of the proposed premises.
2. Resident of the neighborhood within a 500-foot radius of the proposed premises.
3. Licensee whose licensed establishment is within 200 feet of the proposed premises.

IMPORTANT:

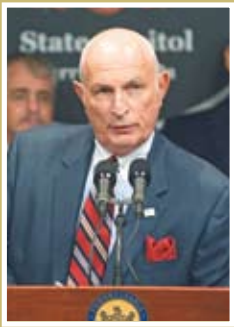
A notice in a change of ownership of a licensed premises or a change of controlling interest at an existing licensed location limits protests to challenging only the reputation of the new party(s).

FILING REQUIREMENTS:

Protests must be filed by a party deemed to have standing, as outlined above, and received by the Pa. Liquor Control Board within 30 days of the date notice written on the orange placard. Protests should be mailed to:

Pa. Liquor Control Board Bureau of Licensing
P.O. Box 8940, Harrisburg, PA 17105-8940

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Capitol Office:

122 Irvis Office Building
P.O. Box 202036
Harrisburg, PA 17120-2036
(717) 783-0411

Protests must be signed by a valid protestant, dated, and must list complete address, ZIP code and phone number of protestant. Protests should include factual information (e.g. police reports, Liquor Control Enforcement citations, etc.), but these documents are not necessary to file a protest. Speculative information, such as how an establishment might be operated in the future, is not acceptable.

Person-to-person transfers are limited to protests that are based on the reputation/qualifications of the proposed person(s) or principal(s). Protests must contain sufficient information regarding the proposed license (license number, name and address) as written on the public notice placard. All protests become a matter of public record.

STEP 2B: FILING A PETITION TO INTERVENE

A Petition to Intervene is a statement demonstrating a direct interest in an application. A petition is filed by:

- Persons/groups that do not have protest “standing” as outlined above, but wish to be part of the proceedings, (e.g. elected officials, community groups, etc.).
- Persons/groups objecting to a license based on the reputation/qualifications of an applicant (all person to person transfer objections are referred to as Petitions to Intervene).

FILING REQUIREMENTS:

Petitions must be mailed to:

Pa. Liquor Control Board Bureau of Licensing
P.O. Box 8940, Harrisburg, PA 17105-8940

Petitions must be signed, dated, and must list complete address, ZIP code and phone number of intervener. Petitions must contain sufficient information regarding the proposed license (license number, name and address) as written on the public notice placard. Petitions must be filed within 30 days of the posting notice on the placard.

Petition to intervene may be granted at the discretion of the Liquor Control Board. Petitions should include a brief description of the direct interest of the petitioner and how the petitioner will be aggrieved in the event the application is approved.

STEP 3: ATTEND A PUBLIC HEARING

A public hearing, conducted by an administrative law judge, will be scheduled to take testimony from protestants, interveners and applicants when valid objections are filed. Hearings are held in convenient locations across the Commonwealth. All protestors and parties involved will be notified in writing of the date, time and location of the hearing.

Helpful Hints for the Hearing:

Although not required, protestants often retain an attorney to insure proper representation. General or speculative testimony is not helpful; only basic substance and actual facts can be considered. Evidence presented must have a basis in fact and relate to the specific case in hand. Copies of police reports, Pa. Liquor Control Enforcement citations, eyewitness testimony and other materials can be submitted into the record. Be sure to bring copies for both the applicant’s attorney and the administrative law judge. Coordinate your testimony with local police and other law enforcement agencies like the district attorney’s office.

STEP 4: HEARING RESULTS

After a hearing, a report summarizing the evidence gathered is sent to the Pa. Liquor Control Board (PLCB) in Harrisburg. The PLCB reviews the report and decides to approve or refuse each application. All participants are notified in writing of the PLCB’s decision. Decisions may be appealed within 20 days from the date of the board’s opinion and order.