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## KNOW THE LAW



# CLA CONDITION REQUIRING THE ID OF ALL PATRONS TO BE SCANNED

BY ED TARAKUS

**Q. I had three citations for sales to minors and I entered into a Conditional Licensing Agreement (CLA) with the Board to renew my restaurant liquor license. One of the conditions of the CLA is that I must scan the ID of all my patrons no matter their ages and no matter if the patron has been carded and scanned before. I find that this is a problem. The patrons are complaining. I even have to scan a person's ID who is 77 years of age. What can I do?**

**A.** You should seek to modify the CLA. You or your attorney can contact the Pennsylvania Liquor Control Board (PLCB) and request that the CLA be modified as to the condition of having to ID and scan each and every patron regardless of the patron's age so that no minors are served. A suggested modification would be that once the patron's identification is scanned, a record of that patron is created, kept on file, and thereafter that particular patron's identification would not have to be scanned again when entering your premises at a later date.

You are bound by the terms that you presently have with the PLCB until the CLA is modified or rescinded. Therefore, you must strictly comply with the admittedly burdensome condition of scanning the ID of each patron since that is a condition of the CLA. If you do not comply, you will jeopardize your license. All of the PLCB CLAs contain a provision which provides that a licensee's failure to comply with or "adhere" to the agreement could have serious

consequences. A citation could be issued by the State Police BLCE for the violation of the CLA or the PLCB could refuse to renew the liquor license for your failure to comply with the CLA. The PLCB could even force you to place your license into safekeeping for a sale to a third party.

Instruct your employees that all patrons, regardless of their age, must show valid proof of age ID and have their ID scanned. An undercover BLCE officer would simply seek to obtain alcoholic beverages and if the officer is not carded and scanned before being served, a citation would be issued.

Obviously, a violation of a PLCB CLA is a serious matter. All licensees must be extremely careful to comply with all of the terms and conditions of the CLA that they have with the PLCB. This is especially true for you, because of the three sales to minors citations that you have on your liquor license record.

You should consult with your attorney regarding the modification of the CLA by the PLCB and also to determine whether or not you are in compliance with the CLA. ■

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