

2021-2022 BUDGET REQUEST

PENNSYLVANIA STATE POLICE
BUREAU OF LIQUOR CONTROL ENFORCEMENT

STATEMENT TO HOUSE APPROPRIATIONS
COMMITTEE

FEBRUARY 23, 2021



Good afternoon, Chairmen Saylor and Bradford and members of the House Appropriations Committee. I am Major Judith Burroughs, Director of the Pennsylvania State Police (PSP) Bureau of Liquor Control Enforcement (BLCE).

With me today are Major Jeffrey Fisher, former BLCE Director; Captain Jeffrey Rineer, BLCE Director of Operations; and William Box, PSP Fiscal Division Director.

We are grateful to Governor Wolf and members of the General Assembly for their continued commitment to public safety and support of PSP operations, specifically regarding liquor law enforcement. I would also like to thank the citizens of Pennsylvania for their resolute support of the PSP.

The BLCE was created in 1987 when liquor law enforcement was transferred from the Pennsylvania Liquor Control Board (PLCB) to the PSP. The transfer of enforcement to the PSP has effectively separated the liquor licensing and revenue-generating functions from the enforcement function.

The BLCE's authorized complement is 256 personnel. Personnel currently assigned to the BLCE include 17 enlisted PSP members; 113 Liquor Enforcement Officers (LEOs); 25 Enforcement Officer 3s (EO3s); 2 Information Technology Generalists; 38 clerical staff; 9 Attorneys; 6 Legal Assistants; 4 Law Clerks; and 4 legal clerical staff (the Attorneys, Law Clerks and several of the Legal Assistants are employees of the Governor's Office of General

Counsel, assigned to provide legal support to the BLCE). There are 38 civilian vacancies consisting of 30 LEOs, 3 EO3s, and 5 legal / clerical positions.

We are currently processing LEO trainee applicants for two anticipated Liquor Control Enforcement Classes to begin in March and July this year. Each class will undergo 16 weeks of training at the PSP Southwest Training Center.

The BLCE implements, directs, and promotes a coordinated effort in both educating the liquor-licensed community as well as enforcing violations of the Pennsylvania Liquor Code and related Crimes Code Statutes. Education is provided through numerous BLCE initiatives, including new licensee orientation, licensee seminars, and Small Games of Chance (SGOC)

presentations, in a proactive attempt to gain voluntary compliance from liquor licensees. Enforcement efforts are intended to maximize the detection, prosecution, and conviction rates for liquor-related offenses. BLCE places an emphasis on violations which affect the quality of life of citizens of the Commonwealth, or those offenses which take a toll on surrounding communities. BLCE conducts covert and overt investigations to ensure compliance. Investigations generally take the form of:

- Complaints alleging a Liquor Code violation at a licensed establishment.
- Age Compliance Checks of a licensed establishment.
- An audit of a licensed establishment, including small games of chance audit.
- A routine inspection of a licensed establishment.

- An investigation aimed at discovering a speakeasy (unlicensed dispensing and sales of alcoholic beverages).
- Investigations into unlicensed sales of alcohol (internet/social media sales).
- An investigation into illegal manufacturing and sales (stills).
- Illegal gambling: electronic devices, bookmaking, and pool selling at licensed establishments.

BLCE conducts Age Compliance Checks as a deterrent to prevent alcoholic beverages being sold to minors. This program authorizes underage buyers, between the ages of 18 and 20, acting under the direct supervision of enforcement officers, to attempt to purchase alcoholic beverages at licensed establishments. If the

underage buyer is served an alcoholic beverage, without being consumed, enforcement officers make immediate notification to the licensee that they sold alcohol to a person under the age of 21. The establishment is then cited administratively for furnishing alcohol. In 2020, 306 age compliance checks were conducted resulting in the underage buyer being served 71 times (23%), and in 38 of those cases (54%) the licensee/designee requested and was shown identification and still made the sale to the underage buyer. The Age Compliance Program is currently authorized by statute until December 31, 2022. As a safety precaution, Age Compliance Checks have been suspended since the onset of COVID -19.

Each year when colleges and universities return to school in the fall, BLCE conducts a College Enforcement

and Public Awareness Initiative, designed to provide an effective deterrent to alcohol-related violations committed by students at and around colleges and universities throughout Pennsylvania. The initiative was developed as a cooperative effort with municipal and university police agencies and includes meetings with licensees and a visible presence when schools return each fall. In 2020, 16 colleges and universities received presentations. Enforcement resulted in 286 Non-Traffic Citations for underage drinking and related offenses. Additionally, 12 individuals were charged with furnishing alcohol to minors. While such initiatives continue to the extent possible, some college and university students participated in virtual studies, rather than on campus classes, in 2020 due to COVID-19 mitigation efforts.

BLCE enforces compliance with the Responsible Alcohol Management Program (RAMP). In 2020, BLCE issued 37 violations and 19 warning letters for failure to comply with, or maintain compliance with, the RAMP mandate. In April 2020, officials from the Pennsylvania Liquor Control Board (PLCB) notified BLCE that deadline extensions would be granted to licensees required to complete RAMP components due to COVID-19 impacts. As a result, enforcement of these mandates was put on hold until the PLCB established new deadlines for licensees.

BLCE is charged with primary responsibility for enforcement of liquor laws at all gaming facilities in the Commonwealth. As part of that responsibility, BLCE conducts investigations at gaming facilities based upon complaints from the public, referrals from the PSP Bureau

of Gaming Enforcement, PSP Intoxicating Source entries, and self-initiated investigations arising out of undercover visits. In 2020, the BLCE initiated 16 investigations at gaming facilities throughout the state, resulting in the issuance of 1 administrative violation letter. Gaming facilities within the Commonwealth experienced several periods of closure in 2020 due to COVID-19 mitigation efforts.

On September 11, 2008, the Clean Indoor Air Act (CIAA) went into effect in Pennsylvania. BLCE is the primary agency charged with enforcement in all liquor licensed establishments. In 2020, the Bureau initiated 80 investigations for allegations of the CIAA. As the result of these investigations, and during investigations for other liquor law violations, 66 administrative letters of violation

and 512 administrative letters of warning were issued. Many licensed establishments were closed for indoor dining at various times during 2020 due to COVID-19 mitigation efforts.

BLCE also investigates illegal gambling in establishments licensed by the PLCB. The goal of these investigations is to confiscate illegal gaming machines and proceeds and prosecute those responsible for maintaining and supplying those machines. In 2020, the Bureau seized 239 illegal machines, up 956% from the 25 seized in 2019. The lesser number recorded for machines seized in 2019 was directly attributed to intentional delays in response to pending court actions. While the BLCE awaits further court action, it continues to investigate and confiscate illegal gambling devices.

In 2020, the Bureau saw an 133% increase in criminal arrests for gambling offenses, recording 12 for the year. Additionally, 109 administrative citations were issued representing a 64% reduction from the 169 issued in 2019. Administrative warning letters issued for gambling offenses decreased from 343 to 153. The BLCE continues to work with various federal and local agencies targeting vendors involved in large scale racketeering activities.

Due to the changes in the SGOC Act with the passage of Act 90 and Act 92 in November 2013, BLCE has continued to focus on education as a method to gain voluntary compliance by individuals and organizations, both licensed and non-licensed, involved in Local Option Small Games of Chance Act (LOSGOCA) as well as Tavern

Gaming activities. BLCE has continued to provide local and regional presentations regarding LOSGOCA upon request, as well as answering telephone inquiries from licensees and other members of the public. BLCE has also made its PowerPoint presentation on the SGOC/Tavern Games law available to the public on the PSP BLCE website. In 2020, investigations of SGOC resulted in 62 administrative letters of violation and 134 administrative warnings.

The BLCE administers two toll free hotline telephone numbers. The first number, 1-800-932-0602, is a general hotline available for the public to report any type of licensee violation. These calls also provided valuable information on illegal drug activity and various other criminal activities. In addition, the Bureau administers a hotline, 1-888-UNDER21, designed specifically to combat underage and

binge drinking across the Commonwealth. BLCE also has an electronic complaint form on its website to enable the public to submit a complaint in this format as well. In 2020, 6,733 complaints were received through these communication systems representing a 207% increase from the 2,190 complaints received in 2019. It should be noted that the complaints in 2020 also included complaints involving violations of the Governor's COVID-19 mitigation orders.

From January 2020 through December 2020, BLCE investigated 13,371 total incidents, issued 1,236 citations and 3,083 administrative warnings to licensed establishments, made 67 speakeasy arrests, 56 arrests for furnishing liquor to minors, and 400 underage drinking arrests of minors.

During the period from mid-March through December 2020, the BLCE conducted COVID-19 compliance checks at all of Pennsylvania's more than 15,000 retail liquor licensed establishments. These compliance checks resulted in the issuance of 1,455 administrative warning letters, 462 notices of violation, and 328 citations and 24 suspensions.

The Bureau has focused on achieving voluntary compliance of the public safety orders through education and understanding, prior to compelling compliance through the administrative process of the Liquor Code. To that end, the Bureau developed a one-page memorandum to educate licensees regarding the public health and safety orders in effect at the time. Coupled with guidance

documents developed by the Governor's Office and the PLCB, the memorandum was designed to remind licensees of their obligations when officers observed violations. In the majority of the Bureau's interactions with licensees and their employees encountered during these compliance checks, licensees have been compliant and accepting of the mandates and the Bureau's responsibilities to ensure compliance. At some point, however, enforcement action does become necessary, especially after repeated warnings regarding the same conduct. Follow-up compliance checks are subsequently conducted, and licensees found to be non-compliant may receive a Notice of Violation (NOV) letter, followed by an administrative citation, which is decided by the PLCB's Office of Administrative Law Judge.

Because the public safety orders impact a diverse array of businesses which hold different types of licenses issued by the PLCB, it is critical that licensees receive accurate information about the orders and what they must do to remain compliant. To that end, the Bureau has frequent interactions with the Governor's Office, the Department of Agriculture (which issues Retail Food Facility Licenses to facilities where food is sold or served directly to a consumer from a physical location), and the PLCB (which issues licenses for the sale of alcohol at the facility), to ensure situational awareness of key issues and consistent messaging to licensees regarding the public safety orders.

In addition to the daily interactions that the Bureau's enforcement officers have with individual licensees, the Bureau also has interactions with various industry groups,

including but not limited to the Pennsylvania Restaurant & Lodging Association, and the Pennsylvania Licensed Beverage & Tavern Association, to answer questions, address specific issues or concerns, and most importantly, to stay on the same page in terms of the orders and what is expected of their members.

In conclusion, I am proud of the men and women of the Pennsylvania State Police, Bureau of Liquor Control Enforcement, who continue to serve the citizens and visitors of this Commonwealth with dedication and honor.

Thank you for allowing me to address your Committee. We will be pleased to answer any questions you may have.