

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2012 NOV - 2 PM 4: 25

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IRRC

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency:  
Pennsylvania Liquor Control Board

(2) Agency Number: 54  
Identification Number: 70

IRRC Number: 2936

(3) PA Code Cite: 40 Pa. Code, Chapter 15

(4) Short Title: Office of Administrative Law Judge; Payment of Fees and Fines

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Alan Kennedy-Shaffer (717) 783-9454  
Pennsylvania Liquor Control Board  
401 Northwest Office Building  
Harrisburg, Pennsylvania 17124  
FAX: (717) 787-8820  
Email: [ra-lblegal@pa.gov](mailto:ra-lblegal@pa.gov)

Secondary Contact: Rodrigo Diaz, Executive Deputy Chief Counsel (717) 783-9454  
(Same Contact Information)

(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The changes will allow administrative fees (such as for filing documents) to be paid by a variety of means, such as credit card, debit card, an attorney's check or electronic funds transfer. The changes also will allow flexibility in how fines assessed for citations are paid. As to the latter, the current regulations only permit payment by treasurer's check, cashier's check or certified check. This restriction has delayed payments and needlessly increased the administrative workload of the Office of Administrative Law Judge by its having to follow up non-payments or suspend licenses to enforce payment.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Pennsylvania Liquor Code, section 207(i) [47 P.S. § 2-207(i)].

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by any federal or state law, court order or federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The Office of Administrative Law Judge (“OALJ”) is established under the authority of section 212 of the Liquor Code [47 P.S. § 2-212], as an autonomous office within the Pennsylvania Liquor Control Board (“Board”) for the adjudication of citations issued to licensees. The Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”) issues citations to licensees for alleged violations of the Liquor Code and the Board’s Regulations. If it sustains the citation, the OALJ may impose a fine which the licensee must pay. The OALJ may also suspend or revoke licenses issued by the Board.

Currently, pursuant to section 15.61 of the Board’s Regulations, licensees must pay all fines by treasurer’s check, cashier’s check or certified check. [40 Pa. Code § 15.61]. Further, pursuant to section 15.24 of the Board’s Regulations, all filing fees for pleadings or motions related to citation proceedings, and requests for copies of OALJ documents, may only be paid by money order or check. [40 Pa. Code § 15.24].

It is a common experience now that the OALJ must make repeated attempts to contact a licensee when it fails to pay a fine. The OALJ may suspend a license when a fine remains unpaid. Imposing a suspension requires additional resources of the OALJ, which must craft and mail the suspension order, and of the BLCE, which must investigate whether the licensee has, in fact, suspended its licensed operations. In those instances in which the licensee pays the fine as a result of the suspension, additional action by the OALJ is required to lift the suspension so that the licensee is again authorized to operate. Ultimately, the OALJ may revoke the license for continued non-payment, necessitating the issuance of another order and the use of further resources.

The Board believes that if there are more convenient methods for licensees to pay their fines, payments will be made more quickly, eliminating the need for additional administrative actions as noted above. Thus, the Board proposes to amend section 15.61 of its regulations to implement changes that would allow licensees to pay fines not only by treasurer’s check, cashier’s check or certified check, but also by a check drawn on the business or trust account of an attorney licensed in Pennsylvania, money order, credit card, debit card, electronic funds transfer or any other method approved by order of the OALJ. Parallel changes are also proposed for section 15.24 regarding the payment of fees for filing documents and obtaining copies of OALJ documents.

The proposed changes will make it more convenient for licensees of the Board to pay any required fees or fines as they proceed through the enforcement process. On average, about two thousand five hundred

(2,500) citations are adjudicated annually. This will roughly approximate the number of licensees each year which may benefit from having a wider selection of options for the payment of any fees or fines. Moreover, affording licensees greater convenience to pay fines may result in more timely payments, reducing the instances of license suspensions and revocations for failure to pay such fines, resulting in OALJ administrative cost savings associated with handling such matters.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

These regulations do not correspond to any federal regulations.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The Pennsylvania system of alcohol beverage regulation is unique. Meaningful comparison to other states is not possible. These regulatory changes will not place Pennsylvania at a competitive disadvantage with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulations will not affect the proposed or existing regulations of the Board or any other state agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Input was not received from the public or any other groups outside the Board, other than the Independent Regulatory Review Commission.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The regulatory changes create greater flexibility in how payments may be made. The current payment options will continue to be accepted, so there is no requirement to use the expanded options for payment.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The regulatory changes create greater flexibility in how payments may be made. The current payment options will continue to be accepted, so there is no requirement to use the expanded options for payment.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulatory changes create greater flexibility in how payments may be made. The current payment options will continue to be accepted, so there is no requirement to use the expanded options for payment.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The proposed regulatory changes will benefit any individual who wants to file a document with, or obtain copies of documents from the OALJ, by expanding the number of payment options for such requests. Members of the regulated community will enjoy the convenience of expanded options for payment of fines, which may result in cost savings. The proposed changes are expected to improve the administrative efficiency of the OALJ, since more timely payments of fines by licensees will reduce the labor and resources necessary to follow-up on delinquencies, issue suspension orders, and take additional administrative actions. The regulatory changes will, therefore, cost nothing, result in greater convenience for public and members of the regulated community, and should improve the administrative efficiency of the OALJ.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulated community is not expected to incur any new costs. It is possible that members of the regulated community might realize savings as a result of utilizing more convenient methods of payment of administrative fees and fines; however, it is difficult to quantify the exact amount of such savings, as licensees retain the ability to choose from various methods of no-cost or low cost payment options.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Local governments are not expected to incur new costs or realize new savings as a result of these regulations.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

State government is not expected to incur new costs as a result of these regulations. The Board already possesses the technology to accommodate these new methods of payment due to its acceptance of such payments for many of its on-line licensing transactions. It is also expected that state government will benefit from an increase in revenues due to the payment of fines on a more timely basis.

In 2010, for example, the OALJ released about two thousand five hundred thirty-five (2,535) adjudications, in addition to four hundred nine (409) supplemental orders after adjudication. Thus, in 2010, the OALJ issued around two thousand nine hundred forty-four (2,944) adjudicative actions. Of the four hundred nine (409) supplemental orders after adjudication (“supplementals”), about seventy-five percent (75%) were issued as a result of non-payment of fines by licensees. Therefore, three hundred

seven (307) actions by Administrative Law Judges, over ten percent (10%) of all adjudicative actions, were the direct result of fines not being paid. It is difficult to quantify how the proposed changes will reduce the number of supplementals issued as a result of the non-payment of fines.

It should be noted, however, that postage costs alone for the issuance of such supplementals exceeded one thousand eight hundred dollars (\$1,800.00). Additional costs of supplementals include the labor costs of OALJ staff charged with processing such supplementals, the cost of paper, and the BLCE's labor costs associated with inspecting licensees' premises to ensure compliance with an OALJ suspension order. The estimates noted below were derived from the experience of the OALJ in the administration of issuing such supplementals.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Because the regulated community is not required to take any action as a result of this regulatory change, it is not expected to affect legal, accounting or consulting procedures and should not require any additional reporting, recordkeeping or other paperwork. Similarly, the regulation is not expected to require any additional measures by state or local governments in order to implement the regulation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	\$1,000	\$2,000	\$2,750	\$3,500	\$4,250
<b>Total Savings</b>	0	\$1,000	\$2,000	\$2,750	\$3,500	\$4,250
<b>COSTS:</b>						
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Costs</b>	0	0	0	0	0	0

<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	0	0	0	0	0	0
<b>Local Government</b>	0	0	0	0	0	0
<b>State Government</b>	0	0	0	0	0	0
<b>Total Revenue Losses</b>	0	0	0	0	0	0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
Office Administration	Not an individual budget line.	Not an individual budget line.	Not an individual budget line.	Not an individual budget line.

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The regulatory change is not expected to have any adverse impact on small businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers, as the regulatory changes are not expected to adversely affect minorities, elderly, small businesses or farmers.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The regulatory changes simply afford greater flexibility in how payments may be made for fees and fines. As the current payment options will continue to be accepted, no burden is imposed as a result of the proposed changes.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

No special regulatory methods to minimize any adverse impact on small businesses were considered because the regulatory change is not expected to have any adverse impact on small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used,



please explain why that data was determined not to be acceptable.

The Board has not relied on data to justify this regulation.

(29) Include a schedule for review of the regulation including:

- |   |                       |
|---|-----------------------|
| A. The date by which the agency must receive public comments:                               | <u>April 17, 2012</u> |
| B. The date or dates on which public meetings or hearings will be held:                     | <u>None</u>           |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>December 2012</u>  |
| D. The expected effective date of the final-form regulation:                                | <u>December 2012</u>  |
| E. The date by which compliance with the final-form regulation will be required:            | <u>December 2012</u>  |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <u>N/A</u>            |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

Within a year after the regulations become effective, the success of the program will be evaluated. If it has been successful, additional payment options may be considered.

CDL-1

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

Copy below is hereby approved  
as to form and legality. Attorney General

BY \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections  
attached.

Copy below is hereby certified to  
be a true and correct copy of a  
document issued, prescribed or  
promulgated by:

Pennsylvania Liquor Control Board  
(AGENCY)

DOCUMENT/FISCAL NOTE  
NO. 054-70

DATE OF ADOPTION: November 2, 2012

BY: \_\_\_\_\_  
TITLE: Chairman  
(Executive Officer, Chairman or  
Secretary)

Copy below is hereby approved  
as to form and legality. Executive  
or Independent Agencies:

BY: YSDuhl

November 2, 2012  
DATE OF APPROVAL

(Chief Counsel, Independent  
Agency)

Check if applicable. No  
Attorney General approval or  
objection within 30 days after  
submission.

TITLE 40—LIQUOR

CHAPTER 15. SPECIAL RULES OF ADMINISTRATIVE  
PRACTICE AND PROCEDURE REGARDING MATTERS  
BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGE

*The following Sections are proposed to be amended:*

15.24. Fees.

15.61. Fines.

**Commonwealth of Pennsylvania  
Pennsylvania Liquor Control Board**

November 2, 2012

**SUBJECT: Final-Form Regulation Package 54-70  
(Title 40, Pennsylvania Code, Sections 15.24 and 15.61)**

**TO:** DAVID SUMNER, EXECUTIVE DIRECTOR  
INDEPENDENT REGULATORY REVIEW COMMISSION

**FROM:** FAITH S. DIEHL *FSDiehl*  
CHIEF COUNSEL  
PENNSYLVANIA LIQUOR CONTROL BOARD

**By Hand Delivery**

Submitted herewith is a copy of final-form amendments to sections 15.24 and 15.61 of the regulations of the Pennsylvania Liquor Control Board. Also enclosed are copies of the regulatory analysis form, signed CDL-1 face sheet, preamble and Annex A (regulatory text).

The proposed changes would amend sections 15.24 and 15.61 of the Board's Regulations [40 Pa. Code §§ 15.24 and 15.61] to expand the options for payment of fees and fines. Currently, all fines must be paid by treasurer's check, cashier's check, or certified check. All fees must be paid by money order or check. Under the proposed changes, fees and fines could be paid by credit card, debit card, money order, cashier's check, certified check, attorney check, treasurer's check, and via electronic funds transfer ("EFT"). Further, a provision is being added to each section allowing the Office of Administrative Law Judge ("OALJ") to issue an order which would permit another means of payment in a particular matter. This additional flexibility is recommended to permit other payment methods to be used in the future.

The proposed version of these regulations was provided to the legislative oversight committees and to the Independent Regulatory Review Commission ("IRRC") on March 9, 2012. Comments were received from IRRC on May 23, 2012.

*Response to Comments:*

On May 23, 2012, IRRC submitted the following comment:

**Section 15.61. Fines. – Implementation Procedures; Clarity.**

This section lists the acceptable forms of payment of fines by licensees to the Office of Administrative Law Judge (OALJ) within the Board.

This section permits a licensee to pay a fine with a “treasurer’s check.” The Board should explain why a treasurer’s check was not also included in Section 15.24(b), which establishes the appropriate payment methods for filing fees.

In response to the comment and question by IRRC as to why section 15.61 permits a licensee to pay a fine with a “treasurer’s check,” but proposed section 15.24(b) does not permit a licensee to pay filing fees with a “treasurer’s check,” the Board proposes to amend section 15.24(b) to permit a licensee to pay filing fees with a “treasurer’s check,” just as a licensee may pay a fine with a “treasurer’s check.” The Board is not aware of any justification for a “treasurer’s check” distinction.

Any questions and comments about this regulatory submission should be directed to Alan Kennedy-Shaffer, Assistant Counsel, or Rodrigo Diaz, Executive Deputy Chief Counsel, at (717) 783-9454.

cc with enclosures:

Honorable Richard L. Alloway II, Chairman, Senate Law and Justice Committee  
Honorable Jim Ferlo, Democratic Chairman, Senate Law and Justice Committee  
Honorable John Taylor, Chairman, House Liquor Control Committee  
Honorable Dante Santoni, Jr., Democratic Chairman, House Liquor Control Committee  
Ms. Cheryl Schriener, Executive Director, Senate Law and Justice Committee  
Mr. Stephen Bruder, Executive Director, Senate Law and Justice Committee  
Ms. Marcia Lampman, Executive Director, House Liquor Control Committee  
Ms. Lynn Benka-Davies, Executive Director, House Liquor Control Committee

**Commonwealth of Pennsylvania  
Pennsylvania Liquor Control Board**

November 2, 2012

**Response to Comments re: Final-Form Regulation Package 54-70**

*Response to Comments:*

On May 23, 2012, the Independent Regulatory Review Commission (“IRRC”) submitted the following comment:

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In response to the comment and question by IRRC as to why section 15.61 permits a licensee to pay a fine with a “treasurer’s check,” but proposed section 15.24(b) does not permit a licensee to pay filing fees with a “treasurer’s check,” the Board proposes to amend section 15.24(b) to permit a licensee to pay filing fees with a “treasurer’s check,” just as a licensee may pay a fine with a “treasurer’s check.” The Board is not aware of any justification for a “treasurer’s check” distinction.

## **Title 40 -- Liquor**

The Pennsylvania Liquor Control Board ("Board"), under the authority of section 207(i) of the Pennsylvania Liquor Code [47 P.S. § 2-207(i)], proposes to amend 40 Pa. Code, Chapter 15, sections 15.24 and 15.61.

### Purpose:

In accordance with Executive Order 1996-1, the Board has reviewed its regulations and determined that these revisions to Title 40 Pa. Code are necessary to provide the public and licensees of the Board with additional payment methods when they pay administrative fees and fines that are assessed by the Office of Administrative Law Judge ("OALJ").

The OALJ is established under the authority of section 212 of the Liquor Code [47 P.S. § 2-212], as an autonomous office within the Board for the adjudication of citations issued to licensees. The Pennsylvania State Police, Bureau of Liquor Control Enforcement ("BLCE") issues citations to licensees for alleged violations of the Liquor Code and the Board's Regulations. If it sustains the citation, the OALJ may impose a fine which the licensee must pay. The OALJ may also suspend or revoke licenses issued by the Board.

Currently, pursuant to section 15.61 of the Board's Regulations, licensees must pay all fines by treasurer's check, cashier's check or certified check. [40 Pa. Code § 15.61]. Further, pursuant to section 15.24 of the Board's Regulations, all filing fees for pleadings or motions related to citation proceedings, and requests for copies of OALJ documents, may only be paid by money order or check. [40 Pa. Code § 15.24].

It is a common experience now that the OALJ must make repeated attempts to contact a licensee when its fines are not paid. The OALJ may suspend a license when a fine remains unpaid. Imposing a suspension requires additional resources of the OALJ, which must craft and mail the suspension order, and of the BLCE, which must investigate whether the licensee has, in fact, suspended its licensed operations. In those instances in which the licensee pays the fine as a result of the suspension, additional action by the OALJ is required to lift the suspension so that the licensee is again authorized to operate. Ultimately, the OALJ may revoke the license for continued non-payment, necessitating the issuance of another order and the use of further resources.

The Board believes that if there are more convenient methods for licensees to pay their fines, payments will be made more quickly, eliminating the need for additional administrative actions as noted above. Thus, the Board proposes to amend section 15.61 of its regulations to implement changes that would allow licensees to pay fines not only by treasurer's check, cashier's check or certified check, but also by a check drawn on the business or trust account of an attorney licensed in Pennsylvania, money order, credit card, debit card, electronic funds transfer or any other method approved by order of the OALJ. Parallel changes are also proposed for section 15.24 regarding the payment of fees for filing documents and obtaining copies of OALJ documents.

The proposed changes will make it more convenient for licensees of the Board to pay any required fees or fines as they proceed through the enforcement process. On average, about two thousand five hundred (2,500) citations are adjudicated annually. This will roughly approximate the number of licensees each year which may benefit from having a wider selection of options for the payment of any fees or fines.

Moreover, affording licensees greater convenience to pay fines may result in more timely payments, reducing the instances of license suspensions and revocations for failure to pay such fines, resulting in OALJ administrative cost savings associated with handling such matters.

Summary of Amendments:

The proposed changes would amend sections 15.24 and 15.61 of the Board's Regulations [40 Pa. Code §§ 15.24 and 15.61] to expand the options for payment of fees and fines. Currently, all fines must be paid by treasurer's check, cashier's check, or certified check. All fees must be paid by money order or check. Under the proposed changes, fees and fines could be paid by credit card, debit card, money order, cashier's check, certified check, attorney check, treasurer's check, and via electronic funds transfer ("EFT"). Further, a provision is being added to each section allowing the Office of Administrative Law Judge ("OALJ") to issue an order which would permit another means of payment in a particular matter. This additional flexibility is recommended to permit other payment methods to be used in the future.

Response to Comments:

On May 23, 2012, the Independent Regulatory Review Commission (“IRRC”) submitted the following comment:

Section 15.61. Fines. – Implementation Procedures; Clarity.

This section lists the acceptable forms of payment of fines by licensees to the Office of Administrative Law Judge (OALJ) within the Board.

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Affected Parties:

The proposed regulatory changes will benefit any individual who wants to file a document with, or obtain copies of documents from the OALJ, by expanding the number of payment options for such requests. Members of the regulated community will enjoy the convenience of expanded options for payment of fines, which may result in cost savings. The proposed changes are also expected to improve the administrative efficiency of the OALJ, since more timely payments of fines by licensees will reduce the labor and resources necessary to follow-up on delinquencies, issue suspension orders, and take additional administrative actions. The regulatory changes will, therefore, cost nothing, result in greater convenience for public and members of the regulated community, and should improve the administrative efficiency of the OALJ.

Paperwork Requirements:



The proposed regulatory amendments will not significantly increase paperwork for the Board or the regulated community.

*Fiscal Impact:*

The regulated community is not expected to incur any new costs as a result of the proposed changes. It is possible that members of the regulated community might realize savings as a result of utilizing more convenient methods of payment of administrative fees and fines; however, it is difficult to quantify the exact amount of such savings, as licensees retain the ability to choose from various methods of no-cost or low cost payment options.

The costs or revenues of local governments will not be affected by these regulatory changes.

State government is not expected to incur new costs as a result of these regulations. The Board already possesses the technology to accommodate these new methods of payment due to its acceptance of such payments for many of its on-line licensing transactions. It is also expected that state government will benefit from an increase in revenues due to the payment of fines on a more timely basis.

In 2010, for example, the OALJ released about two thousand five hundred thirty-five (2,535) adjudications, in addition to four hundred nine (409) supplemental orders after adjudication. Thus, in 2010, the OALJ issued around two thousand nine hundred forty-four (2,944) adjudicative actions. Of the four hundred nine (409) supplemental orders after adjudication (“supplementals”), about seventy-five percent (75%) were issued as a result of non-payment of fines by licensees. Therefore, three hundred seven (307) actions by Administrative Law Judges, over ten percent (10%) of all adjudicative actions, were the direct result of fines not being paid. It is difficult to quantify how the proposed changes will reduce the number of supplementals issued as a result of the non-payment of fines.

It should be noted, however, that postage costs alone for the issuance of such supplementals exceeded one thousand eight hundred dollars (\$1,800.00). Additional costs of supplementals include the labor costs of OALJ staff charged with processing such supplementals, the cost of paper, and the BLCE’s labor costs associated with inspecting licensees’ premises to ensure compliance with an OALJ suspension order.

Effective Date:

These final-form regulations will become effective upon their publication in the *Pennsylvania Bulletin*.

Contact Person:

Questions regarding these final-form regulations should be addressed to Alan Kennedy-Shaffer, Assistant Counsel, or Rodrigo Diaz, Executive Deputy Chief Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, via telephone at (717) 783-9454, or via e-mail at ra-lblegal@pa.gov.

Regulatory Review:

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 9, 2012, the Board submitted a copy of the proposed rulemaking, published on March 24, 2012 at 42 Pa.B. 1504, and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5.1(j.2)), the final-form rulemaking was deemed approved by the Committees on \_\_\_\_\_. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5.1(e)), IRRC met on \_\_\_\_\_ and approved the final-form rulemaking.

Joseph E. Brion  
Chairman

ANNEX A  
TITLE 40. LIQUOR

CHAPTER 15. SPECIAL RULES OF ADMINISTRATIVE  
PRACTICE AND PROCEDURE REGARDING MATTERS  
BEFORE THE OFFICE OF ADMINISTRATIVE LAW  
JUDGE

§ 15.24. Fees.

(a) Filing fees. Except for citations, prehearing memoranda or motions for continuance, a pleading or motion requires a filing fee by the moving party and will be received but not deemed to be filed until the filing fee has been paid.

(b) Mode of payment of fees. Fees shall be paid by a check drawn on the business or trust account of an attorney licensed in Pennsylvania, TREASURER'S CHECK, cashier's check, certified check, money order, credit card, debit card, electronic funds transfer or any other method approved by order of the Office of Administrative Law Judge. [money order or check]  
All payments will be made payable to "Commonwealth of Pennsylvania."

(c) Schedule of fees. The fees for services rendered by the ALJ are as follows:

Description	Fee (in dollars)
Filing fees for pleadings other than citations, prehearing memoranda or motions for continuance, requesting special relief, action or consideration	\$25
Providing copies of papers and records (specially requested) per page	\$ 1
Providing certification of papers, testimony or records	\$ 5

(d) Supersession. Subsection (a) supersedes 1 Pa. Code § 33.22 (relating to mode of payment of fees).

**§ 15.61. Fines.**

Fines shall be paid by a check drawn on the business or trust account of an attorney licensed in Pennsylvania, treasurer's check, cashier's check, certified check, money order, credit card, debit card, electronic funds transfer or any other method approved by order of the Office of Administrative Law Judge. [treasurer's check, cashier's check or certified check.] All payments [A check] shall be made payable to the "Commonwealth of Pennsylvania" with a notation of the citation number. If mailed, remittances will be addressed [and mailed] to: Office of Administrative Law Judge, Pennsylvania Liquor Control Board, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania 17110-9661.

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT  
TO THE  
REGULATORY REVIEW ACT**

**I.D. NUMBER:** 54-70  
**SUBJECT:** OALJ / Payment of Fees and Fines  
**AGENCY:** Pennsylvania Liquor Control Board



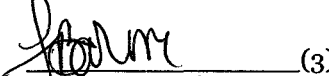
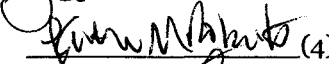
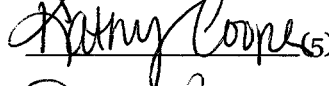
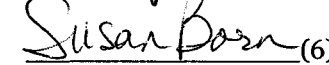
2012 NOV -2 PM 4: 25

RECEIVED  
IRRC

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
11/2	 (1)	HOUSE LIQUOR CONTROL COMMITTEE (Majority)
11/2	 (2)	(Minority)
11/2	 (3)	SENATE LAW & JUSTICE COMMITTEE (Majority)
11/2	 (4)	(Minority)
11/2/12	 (5)	INDEPENDENT REGULATORY REVIEW COMMISSION
11/2	 (6)	ATTORNEY GENERAL
_____	_____ (7)	LEGISLATIVE REFERENCE BUREAU