

# Regulatory Analysis Form

(Completed by Promulgating Agency)

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

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2012 MAR -9 P 3:33

(1) Agency:

Pennsylvania Liquor Control Board

(2) Agency Number: 054

Identification Number: 70

IRRC Number: 2936

(3) PA Code Cites: 40 Pa. Code §§ 15.24, 15.61

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

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

Primary Contact: James F. Maher (717) 783-9454. Pennsylvania Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Harrisburg, PA 17124. FAX: (717) 787-8820; [jamaher@pa.gov](mailto:jamaher@pa.gov)

Secondary Contact: Christopher L. Herrington (717) 783-9454. Pennsylvania Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Harrisburg, PA 17124. FAX: (717) 787-8820; [cherringto@pa.gov](mailto:cherringto@pa.gov)

(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. 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 federal or state law or court order, or federal regulation. There are no relevant state or federal court decisions

(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 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.

(11) 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.

Data was not the basis for this regulation.

(12) Describe who and how many people will be adversely affected by the regulation. How are they affected?

The regulatory changes are not expected to adversely affect any member of the regulated community or the public. The regulatory changes will expand payment options for the payment of fees and fines, but no licensee would be required to use the expanded options for payment.

(13) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who 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.

(14) 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.

(15) Provide a specific estimate of the costs and/or savings to **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.

(16) Provide a specific estimate of the costs and/or savings to **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.

(17) 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.

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

(17a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Office Administration	Not an individual budget line.	Not an individual budget line.	Not an individual budget line.	Not an individual budget line.

(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) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

Input was not received from the public or any other groups outside the Board. Input is expected from interested parties as a result of the proposed rulemaking process.

(20) 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.

(21) 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.

(22) How does this regulation compare with those of 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.

(23) 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.

(24) 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.

None.

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

The regulation is not expected to adversely affect minorities, elderly, small businesses or farmers.

(26) 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 are planned</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>August 14, 2012</u>  |
| D. The expected effective date of the final-form regulation:                                | <u>August 14, 2012</u>  |
| E. The date by which compliance with the final-form regulation will be required:            | <u>August 14, 2012</u>  |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <u>N/A</u>              |

(27) Provide the schedule for continual review of the regulation.

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)

RECEIVED  
IRRC

2012 MAR 8 PM 3:30  
DO NOT WRITE IN THIS SPACE

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



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

MAR 02 2012

DATE OF APPROVAL

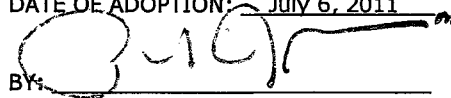
Check if applicable  
Copy not approved. Objections  
attached.

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)

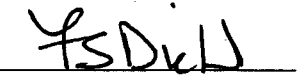
DOCUMENT/FISCAL NOTE  
NO. 054-70

DATE OF ADOPTION: July 6, 2011

BY: 

TITLE: Chairman  
(Executive Officer, Chairman or  
Secretary)

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

BY: 

July 1, 2011

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.

## 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. The additional options would include payment by a credit card, debit card, attorney's check and electronic funds transfer ("EFT"). Further, a provision is being added to each section allowing the OALJ to issue an order which would permit another means of payment in a particular matter. This additional flexibility is recommended to permit other methods of payment to be used in the future.

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

Public Comment/Contact Person:

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed regulation in the *Pennsylvania Bulletin*. Comments should be addressed to James F. Maher, Assistant Counsel, or Christopher L. Herrington, Deputy Chief Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review:

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on \_\_\_\_\_, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review

~~Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee. A copy of this material is available to the public upon request.~~

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, the General Assembly and the Governor of comments, recommendations or objections raised.

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, 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.



**Commonwealth of Pennsylvania  
Pennsylvania Liquor Control Board**

March 9, 2012

**SUBJECT: Proposed Regulations 54-70 (Amendments to Title 40,  
Pennsylvania Code, Sections 15.24 and 15.61)**

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

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

*Faith S. Diehl*

**By Hand Delivery**

Refer to: 3-9454

Submitted herewith are proposed amendments to sections 15.24 and 15.61 of the regulations of the Pennsylvania Liquor Control Board ("Board"). Enclosed are the regulatory analysis form, signed CDL-1 face sheet, preamble and Annex A. The signed transmittal sheet also is enclosed which indicates delivery of this regulatory change today to the legislative oversight committees. The Office of Attorney General approved these proposed regulations for form and legality on March 2, 2012.

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

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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.

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

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**David Sumner – Independent Regulatory Review Commission (54-70)**

March 9, 2012

Page 4

Pennsylvania Liquor Control Board, Room 401, Northwest Office Building,  
Harrisburg, PA 17124-0001.

cc: (w/encl.)

Honorable John Pippy, 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

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

**I.D. NUMBER:** 54-70

**SUBJECT:** Office of Administrative Law Judge – Payment of Fees and Fines

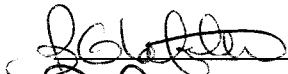
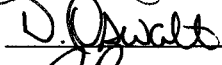

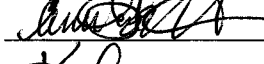
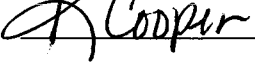


**AGENCY:** Liquor Control Board

**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

RECEIVED  
IRRC  
2012 MAR -9 P 3:33

**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
3/9/12	 (1)	HOUSE LIQUOR CONTROL COMMITTEE (Majority)
3/9/12	 (2)	(Minority)
3/9/12	 (3)	SENATE LAW & JUSTICE COMMITTEE (Majority)
3/9/12	 (4)	(Minority)
3/9/12	 (5)	INDEPENDENT REGULATORY REVIEW COMMISSION
2/14/12	 (6)	ATTORNEY GENERAL
3/9/12	 (7)	LEGISLATIVE REFERENCE BUREAU