

### ***Bar Owner Charged in Customer's Fatal DUI Wreck***

As a former prosecutor for the Pennsylvania Liquor Control Board (PLCB) and now a private liquor license attorney, I read with great interest the article in the *Patriot News* recently about criminal charges being filed against a Harrisburg area bar/restaurant. According to the *Patriot News* on November 17, 2007 a bar patron crashed her vehicle on Middletown Road in Derry Township, PA. killing her and two other people. At the time of the accident the woman had a blood-alcohol level of 0.197% - more than twice the legal limit of 0.08%.

Now fifteen months after the accident, Dauphin County authorities have filed involuntary manslaughter charges against the company that owns the bar.

While not being accused of direct involvement the bar and owner are accused of failing to properly train their bartender and bouncer who dealt with the visibly intoxicated patron.

An investigation by the Derry Township Police Department determined that the bar patron was served drinks in the bar despite being visibly intoxicated. The bouncer was found to have guided the woman to her car allowing her to get into the driver's seat after she had been asked to leave the premises. The bouncer, at the time of the incident was a new employee, told authorities that he had received no training of any kind as to how to handle a situation such as this.

The Dauphin County District Attorney's office stated the penalty for involuntary manslaughter is up to 5 years in prison and a fine of up to \$10,000.00. The DA's office has said in all likelihood they will be seeking a fine in this case. District Attorney Edward Marsico stated recently, "This is a complete abdication of the duties of a responsible bar owner that, unfortunately, set into motion a chain of events that led to the deaths of three individuals." The bar is also facing penalties from the Pennsylvania Liquor Control Board.

The notoriety of this case has opened up discussions among bar and restaurant owners regarding proper training of their staff. Wait staff (bartenders and servers) and security personnel need to be trained to recognize a Visibly Intoxicated Person (VIP) and have the ability to intervene if necessary. Intervention can take the form of refusing any additional alcoholic drinks

to the VIP on the part of servers and bartenders. Security should insure that the VIP does not get behind the wheel of a vehicle. They can do this by making sure someone else drives the patron home or they secure the services of a taxi for the patron.

There are many training programs available for restaurant and bar owners to utilize in the training of their staff. First and foremost is the voluntary ***Responsible Alcohol Management Program*** (RAMP) offered by the PLCB. Some establishments may be ordered to become RAMP certified if they are found guilty of VIP violations. There are also private courses offered. Among them are the ***ServeSafe Alcohol Program*** offered by the Capitol Bartending School of Harrisburg and ***Training for Intervention Procedures*** (TIPS, [www.gettips.com](http://www.gettips.com)).

For those liquor licenses who would like more information about how they can protect themselves and their liquor licenses from these types of action, please do not hesitate to contact me at 1-877-LAW-2555 for a free initial consultation.

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