Mailing Date: DEC 12 2016

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ADMINISTRATIVE LAW JUDGE
FOR THE
PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT	:	IN RE Citation No.: 16-1124
	:	Incident No.: PA 2016-351012
v.	:	
MATTHEW G. OCHS DANIEL J. OCHS T/A MATT'S BEER BARN 30836 RTE. 66 LUCINDA, PA 16235-9801	:	PLCB LID No.: 46835
	:	PLCB License No.: D-SS-3766
CLARION COUNTY	:	

BEFORE: JUDGE RICHARD O'NEILL EARLEY
BLCE COUNSEL: NADIA VARGO, ESQUIRE
LICENSEE: DANIEL J. OCHS, MANAGER

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on August 10, 2016, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Matthew G. Ochs, Daniel J. Ochs, t/a Matt's Beer Barn, License Number D-SS-3766, (Licensee).

The citation contains two counts.

Count one of the citation charges Licensee with violation of the Liquor Control Board Regulations at 40 Pa. Code §9.106(b), alleging that on January 22; February 15, March 10, 22; April 5, 11, 25, 30; May 5, 11, 25; June 21 and 23, 2016, Licensee, by its servants, agents or employees, used sales invoices that failed to include all required information.

Count two of the citation charges Licensee with violation of the Liquor Code at 47 P.S. §4-431(b), alleging that on July 5, 2016, Licensee, by its servants, agents or employees, purchased malt or brewed beverages from a source other than the primary importing distributor assigned to its territory.

Licensee has executed a Statement of Admission, Waiver and Authorization in which Licensee: admits to the violation(s) charged in the citation, agrees that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the Administrative Law Judge to enter an Adjudication without a hearing based on a summary of facts as provided by the Bureau and prior citation history, and waives the right to appeal this Adjudication. The parties further supplemented the record in this case by submitting a territorial agreement between Licensee and a primary importing distributor, a copy of which is attached as Exhibit A.

Based upon the admission(s) of Licensee and the supplemented facts provided by the Bureau and Licensee, I make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

Count one:

1. On June 13, 2016, while conducting a routine inspection at another licensed premises, a Liquor Enforcement Officer found that Licensee charged here left invoices which did not display charges or refunds for the purchase of kegs. The Officer obtained copies of the invoices for inspection.

2. Upon further review, the Officer determined that invoices for the dates charged here did not list a separate entry for Commonwealth sales tax.

3. On July 6, 2016, the Officer proceeded to the distributorship to conduct a routine inspection. Co-Licensee/Board-approved manager Daniel Ochs was present. Mr. Ochs explained that once a delivery is made, he returns to his distributorship and enters all purchases into the point-of-sale system. The sales are then deducted from his inventory records, similar to an out-the-door sale. As a result, the Officer was able to confirm that Licensee collected and paid sales tax for the sales invoices at issue here.

Count two:

4. Anheuser-Busch manufactures malt and brewed beverages outside of the Commonwealth and sells them in the Commonwealth through the Liquor Code's mandated distribution system.

5. The importing distributor that possesses the exclusive right to supply Anheuser-Busch products in the northwest counties of the Commonwealth is Erie Beer Company (Erie Beer), which holds PLCB License No. ID-57. Erie Beer's territory includes Clarion County.

6. On February 21, 2016, Licensee entered into an agreement with Erie Beer which, in pertinent part, provides as follows:

> [Licensee] is hereby directed and constrained to resell the products of listed [sic] for their county within the territory of which [Erie Beer] has been granted authority by the manufacturers (see attached schedule).
>
> This agreement specifically excludes [Licensee's] right to sell to any beer distributor within the territory as [Erie Beer] retains the sole right to service all beer distributors within its territory.

(Licensee's territorial agreement, Exhibit A, p. 11, below)

7. During the July 6, 2016, inspection, the Officer located a sales invoice which indicated that Licensee, on July 5, 2016, had purchased both Busch and Busch Light 30-packs of 12 fl. oz. cans from the licensed importing distributor Killkenny Beer Company, t/a Clarion Beverage (Clarion Beverage), holder of PLCB License No. ID-3903. Mr. Ochs stated that Clarion Beverage was a substitute distributor he used for purchasing Anheuser-Busch products. Licensee's territorial agreement does not include any restrictions on Licensee's supplier for Anheuser-Busch products.

8. The Bureau filed a companion case against Clarion Beverage at Citation No. 16-1141 for violating §431(b) of the Liquor Code when it sold Busch and Busch Light to Licensee outside "the geographical area for which distributing rights have been given…by primary importing distributors." The Citation was dismissed.

9. Based on Board records and findings found in Citation 16-1141, I take administrative notice of the following facts:

   (a) Clarion Beverage, like Licensee, is located in Clarion County, inside of Erie Beer's territory;

   (b) Clarion Beverage is a signatory to a territorial agreement with Erie Beer for Busch and Busch Light for a territory that includes Clarion County and has terms identical to Licensee's territorial agreement quoted above; and

   (c) The Busch and Busch Light that Clarion Beverage sold to Licensee on July 5, 2016, Clarion Beverage purchased from Erie Beer.

CONCLUSION OF LAW:

Count one: Sustained as charged.
Count two: Dismissed.

DISCUSSION:

The Bureau contends that there is a violation of §431(b) of the Liquor Code because Licensee is required to buy Busch products only from the primary importing distributor, Erie Beer. In particular, the Bureau argues that "Because [Licensee] purchased beer from a source other than the primary importing distributor assigned to [Licensee's] territory, Count 2 should be sustained." (Bureau's October 20, 2016, brief, p. 2)

I note that the territorial agreement between Erie Beer and Licensee provides little guidance in this case. Even if the agreement expressly required Licensee to purchase only from Erie Beer—which it does not—the Board has long recognized a distinction between obligations which arise under §431(b) of the Liquor Code, and those that arise pursuant to a territorial agreement. In BLCE v. Sherry Distributors, Inc., Citation 02-0764 (PLCB 5/7/03), the Board held that while a licensee sold to prohibited licensees under its territorial distribution agreement, it nonetheless sold inside of the territorial boundaries of the primary importing distributor.

> Based on the evidence, the Board finds that the parties have fully complied with the requirements of the Liquor Code section 431(b) with the agreements in question. The parties have entered into written agreements, and Licensee has resold the products only within the geographical territory granted to it by the primary importing distributors. The Liquor Code does not make a breach of the further contractual limitation a violation of the Liquor Code. Any such breach of further contractual limitations is a private dispute between the primary importing distributor and the secondary importing distributor to be settled in the courts of common pleas.

Id., pp. 7-8 (emphasis added, citations omitted). Thus, under §431(b), this court and the Board are ultimately interested in enforcing the requirements of the Liquor Code, not additional obligations arising under private contracts between licensees.

The Bureau argues that the Board's decision in Sherry Distributors is no longer authoritative because it was reversed on appeal by the Common Pleas Court of Crawford County. I cannot agree. The entirety of the trial court's order is as follows:

MATTHEW G. OCHS
DANIEL J. OCHS
T/A MATT'S BEER BARN
IN RE CITATION NO. 16-1124

CONSENT ORDER

> Counsel for the Pennsylvania State Police and, Pro Se Licensee Mr. Joseph Sherry of Sherry Distributors, Inc. have conferred regarding the subject appeal filed by the Pennsylvania State Police and represent to the Court that they have agreed and stipulate to the entry of the following Consent Order regarding Citation 02-0764:
>
> 1. The Pennsylvania Liquor Control Board's decision with mailing date of May 7, 2003 dismissing Citation 02-0764, from which decision Appeal No. AD 2003-715 was taken by the Commonwealth, is hereby REVERSED. Citation 02-0764 is sustained.
>
> 2. The Court imposes a $400 fine which has already been paid.
>
> SO ORDERED this 23 day of September 2008.
>
> [Handwritten:] THE UNDERSIGNED JUDGE PREVIOUSLY RECUSED HIMSELF IN THIS CASE BUT HAS SIGNED THIS ORDER SINCE IT IS CONSENTED TO BY ALL PARTIES.
>
> BY THE COURT:
> Anthony J. Vardaro, J

(BLCE v. Sherry Distributors, Inc., No. AD 2003-715, Consent Order, September 23, 2008) The trial court's order is wholly devoid of any factual findings or analysis and is per curiam in nature. Therefore, I have no guidance in determining why the trial court chose to reverse the Board's well-reasoned adjudication. Under, Commonwealth v. Thompson, 985 A.2d 928, 937-38 (Pa. 2009), I cannot assign the Common Pleas Court's consent order any precedential or persuasive weight in this case, and must follow the Board's interpretation of §431(b) in Sherry Distributors.

Under Sherry Distributors, my analysis in this case must focus on the actual statute. Section 431(b) sets forth the rights and duties related to malt and brewed beverages manufacturers', distributors' and importing distributors' licenses. Section 431(b) was amended by Act 116 of 2016. However, on July 5, 2016, it mandated, in pertinent part, the following:

> The board shall issue to any reputable person who applies therefor, and pays the license fee hereinafter prescribed, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in

> quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more…
>
> Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article…
>
> Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

(47 P.S. §4-431(b) (emphasis added)) Thus, §431(b) prohibits licensees from purchasing malt or brewed beverages from any licensee located outside the territory granted to the primary importing distributor (§431(b), paragraph 3, above), and it requires licensed distributors to purchase only from an importing distributor (§431(b), paragraph 2, above).

Therefore, in order for the Bureau to establish a case against Licensee under §431(b), the Bureau must produce evidence that Licensee either purchased beer from someone located outside of Erie Beer's territory, or that Licensee purchased from someone other than an importing distributor.

Here, Anheuser-Busch is a foreign manufacturer. Erie Beer is the primary importing distributor that controls the rights to sell Anheuser-Busch's Busch and Busch Light brands in Clarion County. Clarion Beverage is an importing distributor in Clarion County and purchased Busch and Busch Light from Erie Beer. Licensee is a licensed distributor in Clarion County and purchased Busch and Busch Light from Clarion Beverage. There is no evidence that Licensee acquired the products outside of the primary importing distributor's territory, or that it bought from someone other than an importing distributor. These facts are not disputed by the parties.

Based on the facts and the requirements of §431(b) I cannot agree with the Bureau's suggestion that Licensee was statutorily obligated to buy Anheuser-Busch products exclusively from Erie Beer. Section 431(b) merely requires distributors to buy from an importing distributor inside the primary importing distributor's territory. Furthermore, because §431(b) specifically allows for the creation of sub-distribution networks[1] (a practice Erie Beer utilized when it executed a territorial agreement with Clarion Beverage[2]) a distributor is permitted under the Liquor Code to purchase at least from the primary importing distributor, or from an importing distributor that is a sub-distributor exercising rights in the primary's territory. In this case, Licensee purchased from Clarion Beverages, a sub-distributor of Erie Beer, inside of Erie Beer's territory.

Therefore, Licensee purchased a product from a sub-distributor of a primary importing distributor inside the primary's territory. Accordingly, under Sherry Distributors, I cannot conclude Licensee violated §431(b).

PRIOR RECORD:

Licensee has been licensed since November 9, 2000, and has had one prior violation:

IN RE:

Citation No. 08-0130. Fine $300.00.

1. Used sales invoices that failed to include all required information.
2. Sold four or more cases of malt or brewed beverages without preparing a sales invoice.

[1] §431(b), paragraph 3, above.

[2] I note that Erie Beer is not a party to this action. However, the Bureau has represented Erie Beer's position that it does not have any sub-distribution agreements and that the agreement with Licensee is a "franchise agreement." I can find no support in the Liquor Code for this position nor has the Bureau provided any authority for it. The agreements clearly authorize licensees to resell products that Erie Beer has the right to sell. Under Palladinetti v. Penn Distributors, Inc., 695 A.2d 855, 862, fn. 9 (Pa. Super. 1997), I am free to conclude that such agreements are sub-distribution agreements, regardless of the signatories' characterization.

MATTHEW G. OCHS
DANIEL J. OCHS
T/A MATT'S BEER BARN
IN RE CITATION NO. 16-1124

PENALTY:

For violations of the type found in this case, the Liquor Code permits any of the following penalties: (1) a license revocation, (2) a fine in the range of $50.00 to $1,000.00, (3) a license suspension, or (4) any combination of a fine and suspension. (47 P.S. §4-471) In mitigation, some consideration shall be given to the fact that Licensee has admitted to the violations as charged in this citation, and has waived the right to a hearing and appeal.

For the foregoing reasons, a fine of $400.00 shall be imposed as an appropriate penalty in this case.

ORDER:

THEREFORE, it is hereby ordered that Matthew G. Ochs, Daniel J. Ochs, t/a Matt's Beer Barn, License Number D-3766, pay a fine of $400.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

Jurisdiction is retained.

Dated this 29TH day of November, 2016.

Richard O'Neill Earley, J.

kes

NOTE: MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER IN THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A $25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.

MATTHEW G. OCHS
DANIEL J. OCHS
T/A MATT'S BEER BARN
IN RE CITATION NO. 16-1124

Detach Here and Return Stub with Payment – Note Citation Number on Check

---

The fine must be paid by cashier's check, money order, or a check drawn on the account of an attorney licensed in Pennsylvania. **Personal and business checks are NOT acceptable unless bank certified.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail it, along with any required documentation to:

PLCB – Office of Administrative Law Judge
Brandywine Plaza
2221 Paxton Church Road
Harrisburg PA 17110-9661

Credit/Debit Cards may be used: If you have already registered with PLCB+ you should be able to pay by Credit/Debit card; if you have not registered with PLCB+ you may obtain the information on how to register by sending an email message to: RA-LBLICENSINGMOD@pa.gov.

In Re Citation No. 16-1124
Matthew G. Ochs
Daniel J. Ochs
t/a Matt's Beer Barn

EXHIBIT A

Erie Beer Company

Agreement made this 21 day of FEB, 2016, by and between Erie Beer Company, ID-57, hereinafter referred to as the **("Primary Supplier")** and MATT'S BEER BARN, **D-** 3766, hereinafter referred to as the **("Purchaser")**, accordance with Section 431 (B) of the Pennsylvania Liquor Code.

The Purchaser is hereby directed and constrained to resell the products of listed for their county within the territory of which the Primary Supplier has been granted authority by the manufacturers (see attached schedule).

This agreement specifically excludes the Purchaser's right to sell to any beer distributor within the territory as the Primary Supplier retains the sole right to service all beer distributors within its territory.

Please sign and return one copy of this letter for our files, retaining the other copy on your licensed premise as required by Pennsylvania Liquor Control Board Regulations

MATT'S BEER BARN, D- 3766
Purchaser

Erie Beer, ID- 57

x
Purchaser signature

x
Michael A. McCormick

PO Box 1205; Erie, PA 16512 (814) 459-7777

Erie Beer Company

In accordance with Title 40 Section 9.96 of the Pennsylvania Liquor Code, the following, listed by brewery and brand, is a schedule of territorial areas assigned to Erie Beer Company.

Anheuser-Busch, Inc has appointed Erie Beer Company as its wholesale distributor in all of Erie,Crawford,Venango,Forest, Mercer & Clarion Counties for the following products:

BUDWEISER	MICHELOB LIGHT	HURRICANE	BECK'S	KONA
BUDWEISER CHELADA	MICHELOB AMBER BOCK	RED HOOK ESB	BECK'S LIGHT	O' DOULS N/A
BUD LIGHT	MICHELOB ULTRA	KIRIN ICHIBAN	BECK'S DARK	O' DOULS AMBER N/A
BUD LIGHT CHEALDA	MICHELOB ULTRA AMBER	SHOCK TOP ALE	BECK'S NA	MIXX TAILS
BUD LIGHT LIME	MICHELOB ULTRA LIME	REDBRIDGE LAGER	STELLA CIDRE	BEST DAMN ROOT BEER
BUD LT LIME A RITA	BUSCH	ROLLING ROCK	STELLA ARTOIS	BEST DAMN CHERRY COLA
BUD LT STRAW-BER-RITA	BUSCH N/A	WIDMER HEFEWEIZEN	BODDINGTON'S PUB ALE	HURRICANE HIGH GRAVITY
BUD LIGHT PLATINUM	BUSCH LIGHT	WILD BLUE	BASS	BUD LT SPLASH LIME
BUD SELECT 55	BUSCH ICE	LANDSHARK	LEFFE BLONDE	BUD LT SPLASH STRAWBERRY
BUDWEISER SELECT	NATURAL LIGHT	SHOCK TOP ALE	HOEGAARDEN WHITE	BLUE POINT TOASTED LAGER
BUD ICE	NATURAL ICE	SHOCK TOP APPLE	GOOSE ISLAND SEASONALS	BLUE POINT BLUEBERRY ALE
MICHELOB	NATTY DADDY	SHOCK TOP SEASONALS	BELGIAN SAMPLERS	GOOSE ISLAND

North American Breweries has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Crawford, Venango, Forest, Elk, Cameron, Jefferson, Clarion, & Mercer Counties. In Clearfield County, the City of Dubois and the Townships of Sandy and Houston for the following products:

LABATT BLUE	LABATT ICE	LABATT BLUE LIGHT LIME	LABATT 50 ALE	LABATT SHANDY · LABATT MAX ICE BLK CHERRY
LABATT BLUE LIGHT	LABATT MAX ICE	LABATT N/A	LABATT PREMIERE LIGHT	LABATT LIGHT GRAPEFRUIT

Heineken USA has apppointed Erie Beer Company as its wholesale distributor for the following products in: Erie, Warren, McKean, Elk, Forest and Crawford Counties

HEINEKEN	AMSTEL LIGHT	TECATE LAGER	NEWCASTLE BROWN	STRONGBOW
HEINEKEN LIGHT	BUCKLER NON-ALCOHOLIC	SOL	NEWCASTLE BLONDE	STRONGBOW CHERRY BLOSSOM
HEINEKEN DARK	CARTA BLANCA	BOHEMIA	NEWCASTLE SEASONAL	

Erie, Warren, Cameron, Clarion, Crawford, Elk, Forest, McKean, Mercer, Potter, Venango, and in Clearfield County -the City of DuBois and the Townships of Sandy and Houston:

DOS EQUIS SPECIAL LAGER DOS EQUIS AMBER

E. & J. Gallo Winery has appointed Erie Beer Company as its wholesale distributor in all of Crawford, Venango, Forest, Mercer, & Clarion Counties for the following products:

BOONE'S FARM FLAVORED MALT (ALL FLAVORS) BARTLES & JAMES FLAVORED MALT (ALL FLAVORS) HORNSBY'S DRAFT CIDER & HARD APPLE CIDER

Magic Hat Brewing Co. has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Venango, Forest, Clarion, Warren, McKean, Potter, Cameron, Elk, Jefferson, Clearfield & Mercer Counties for the following products:

NUMBER 9 CIRCUS BOY THE SeasonAles LINE ALL VARIETY PACKS

Long Trail Brewing Company has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Venango, Forest, Clarion, Mercer, Warren, Elk, McKean, Cameron & Potter Counties. The City of Du Bois and the Townships of Sandy and Houston for the following products:

LONG TRAIL ALE LONG TRAIL BLACKBERRY LONG TRAIL DOUBLE BAG LONG TRAIL PALE ALE

St Killian has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Elk, Cameron, Clearfield, Crawford, Venango, Forest, Clarion & Mercer Counties for the following products:

CARLSBERG CARLSBERG ELEPHANT MALT LIQUOR

Diageo-Guinness USA has appointed Erie Beer Company as its wholesale distributor for the following products in all of Cameron, Clarion, Crawford, Elk, Erie, Forest, Mercer, McKean, Potter, Venango, Warren Counties and the territory north of Redbank Creek and Sandy Lick Creek in Jefferson County.

GUINNESS	HARP LAGER	GUINNESS BLONDE	GUINNESS NITRO IPA	GUINNESS BLACK LAGER
GUINNESS DRAFT	SMITHWICK'S IRISH ALE	RED STRIPE	KALIBER NA	SMIRNOFF ELETRIC BERRY AND MANDARIN
SMIRNOFF MOSCOW MULE	SMIRNOFF WATERMELON	SMIRNOFF PEACH BELLINI	SMIRNOFF PREMIUM	SMIRNOFF TWISTED (ALL FLAVORS)

Galli Beer Distributing Co. being the primary distributor for the listed products has appointed Erie Beer Company as its secondary distributor in all of Erie, Crawford, Warren, McKean, Potter, Cameron, Forest, Counties for the following products:

ARCADIA	GREEN FLASH IPA	KINGFISHER	MENDOCINO VARIETY	HOFBRAU MAIBOCK
KENTUCKY HONEY BROWN ALE	GREEN FLASH HOP HEAD RED	LION STOUT	GREAT DIVIDE VARIETY	HANSA
BLANCHE DE CHAMBLY	GREEN FLASH BELGIAN TRIPLE	THIRSTY DOG OLD LEGHUMPER	GREAT DIVIDE TITAN IPA	GREEN FLASH HOP HEAD RED
BITBURGER	GREEN FLASH BARLEYWINE	THIRSTY DOG RASP ALE	GREAT DIVIDE WILD RASP	GREEN FLASH IPA
BAD MONKEY BEER	GREEN FLASH IMPERIAL IPA	THIRSTY DOG SIBERIAN	GREAT DIVIDE HERCULES IPA	SLY FOX
BAR HARBOR BLUBERRY ALE	UNIBROUE VARIETY	HOFBRAU	YETI IMPERIAL STOUT	LAKEFRONT IPA
O'HARA' IRISH STOUT	LA FIN DU MONDE	HOFBRAU HEFEWEIZEN	BITBURGER	SPRECHER'S
O'HARA'S IRISH RED	ERDINGER HEFE WEIZEN	EPHEMERE APPLE	KOSTRITZER	MCKENZIE'S

Galli Beer Distributing Co. being the primary distributor for the listed products has appointed Erie Beer Company as its secondary distributor in all of Erie and Crawford Counties for the following products:

SARANAC PALE ALE
SARANAC WHAT ALES YOU
SARANAC TRAIL MIX

Erie Beer Company

In accordance with Title 40 Section 9.96 of the Pennsylvania Liquor Code, the following, listed by brewery and brand, is a schedule of territorial areas assigned to Erie Beer Company.

United States Beverage LLC has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Forest, Warren, McKean, Elk for the following products:

MURPHY'S STOUT MURPHY'S RED BEER TIGER LAGER ESTRELLA DAMM JOHN SMITH EXTRA

Paulaner USA. has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Forest, Warren, Elk, McKean, Counties for the following products:

PAULANER PAULANER HEFEWEIZEN

United Brands Co. has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Elk, Cameron, Crawford, Venango, Forest, Clarion & Mercer Counties for the following products

JOOSE MALT MAX MALT MCALES GREEN APPLE MCALES RED APPLE MCALES HARD ROOT BEER & HARD ORANGE CRM

Total Beverage Solution, has appointed Erie Beer Company as its Wholesale distributor for the following products in: Erie, Crawford, Warren, Forest, McKean and Elk counties

MORETTI AFFLIGEM FISCHER

Duke Brewing has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Crawford, Venango, Forest, Elk, Cameron, Clanon, & Mercer Counties. In Jefferson Co. the territory north of the Redbank Creek and Sandy Lick creek. For the following Products:

Duquesne Pilsner Duquesne LT Fort Pitt DUQUESNE PATERNO

Phusion Project has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Crawford, Venango, Forest, Elk, Cameron, Clarion, & Mercer Counties. In Jefferson Co. the territory north of the Redbank Creek and Sandy Lick Creek. In Clearfield County, the City of Dubois and the Townships of Sandy and Houston for the following products:

Loko UVA 23.5z Loko Orange 23.5z Loko Fruit Punch 23.5z Loko Watermelon23.5z Loko Blue Raspberry 23.5Z
Loko Cranberry Lemonade 23.5z Loko Lemonade 23.5z Loko Lemon/Lime 23.5z Earthquake 24z

Full Sail Brewing has appointed Erie Beer Company as its wholesale distributor in all of Erie,Crawford,Venango,Forest, Mercer & Clarion Counties for the following products:

Amber Session Family IPA

Timber Creek Brewing has appointed Erie Beer Company as its wholesale distributor in all of Erie,Crawford,Venango,Forest, Mercer & Clarion Counties for the following products:

Fully Loaded IPA Black Bear Porter Belgian Wit Sir Robbins Octoberfest

Dark Horse Brewing has appointed Erie Beer Company as its wholesale distributor in all of Erie,Crawford,Venango,Forest, Mercer & Clarion Counties for the following products:

CROOKED TREE INDIA PALE ALE, RESERVE SPECIAL BLACK BIER, RASPBERRY ALE , AMBER ALE, SAPIENT TRIP ALE, SCOTTY KARATE SCOTCH ALE
PERKULATOR COFFEE DOPPLEBOCK, ONE OATMEAL STOUT, TOO CREAM STOUT, TRES BLUEBERRY STOUT, FORE SMOKED STOUT, PLEAD THE 5TH IMPERIAL STOUT
3 GUY OFF THE SCALE BARLEY WINE, DOUBLE CROOKED TREE IPA, BOFFO BROWN ALE, THIRTY TROUT PORTER, WHISKEY RICHARD BELGIAN ALE, DARK HORSE SPECIALTY

Robert Mazza, Inc. dba Five and 20 Brewing has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Crawford, Venango, Forest, Elk, Cameron, Clarion, & Mercer Counties. In Jefferson Co. the territory north of the Redbank Creek and Sandy Lick Creek. In Clearfield County, the City of Dubois and the Townships of Sandy and Houston. For the following products:

Five & 20 NY Stout Five & 20 Pale Ale Five & 20 Rye Pale Ale Five and 20 Cream Ale Five and 20 Brown Ale

DuClaw Brewery, LLC has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Mercer, Venango, Warren, Forest, Clarion, McKean, Cameron, Elk & Potter Counties. For the following products:

Sweet Baby Jesus, Bare Ass Blonde Ale, Misfit Red Ale, Bad Moon Porter, Black Lightning, Mad Bishop, Serum, Euforia, HellRazer, Mysterium, Venom, Anti-Venom, Green Bullet,
Anti-Venom Green Bullet, Anti-Venom Citra, Double Naked Fish, Double Spiced 31, Double Black Lightning, X.1 Chocolate Imperial Rye Porter, Barrel Aged X.1, Repent, Soul Jacker

Craft Beers of Canada Company has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Mercer, Venango, Warren, Forest, Clarion, McKean, Elk, Cameron, Jefferson & Potter Counties. For the following products:

Flying Monkeys Smashbomb Ale, Flying Monkeys Stereovision, Flying Monkeys Manifesto Chocolate Stout, Flying Monkeys El Toro Matador
Crosswinds Pale Ale, 10 Point Ale, Sparks House Red Ale, Top Shelf Lager, Rock Cut Baysville Lager, Old North Mocha Porter. Nickel brook naughty neighbor

Erie Ale Works, LLC has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Crawford, Venango, Forest, Elk, Cameron, Jefferson, Clarion, & Mercer Counties. In Clearfield County, the City of Dubois and the Townships of Sandy and Houston. For the following products:

Gutter Ball American Pale Ale Keyboard Warrior English Mild

Rusty Rail Brewing Company has appointed Erie Beer Company as its wholesale distributor in all of Erie, Crawford, Venango, Warren, Mercer, Forest, Clarion, McKean, Jefferson, Elk & Cameron Counties. For the following Products.

Rusty Rail Trail's End Pale Ale, Rusty Rail Blue Collar Blonde, Rusty Rail Rail Spike IPA, Rusty Rail Wolf King Warrior Stout, Rusty Rail Lone Wolf Stout

New Belgium Brewing has appointed Erie Beer Company as its wholesale distributor in all of Erie, Warren, McKean, Potter, Crawford, Venango, Forest, Elk, Cameron, Clarion, & Mercer Counties entirely; Jefferson County north of the dividing line formed by Redbank Creek and Sandy Lick Creek; In Clearfield County, the Township of Sandy and that portion of Houston Township north of Route 255 and all accounts on Route 255 for the following products:

Fat Tire Ranger IPA Citradelic Folly Variety Hoppy Blonde LOF Ten Dormal
Slow Ride Snapshot La Folie Glutiny Heavy Melon LOF Blackberry

Erie Beer Company

In accordance with Title 40 Section 9.96 of the Pennsylvanis Liquor Code, the following, listed by brewery and brand, is a schedule of territorial areas assigned to Erie Beer Company.

S'Quiela Beverage Company, Inc has appointed Erie Beer Company as its wholesale distributor in all of Erie,Crawford,Mercer,Venango, Forest,Clarion,Warren, McKean, Elk, Potter,Cameron,Clearfield and Jefferson Counties For the following Counties:

S'QUIELA GRAPEFRUIT S'QUIELA ORANGE S'QUIELA BERRY S'QUIELA TROPICAL DREAM

MATT'S BEER BARN
Purchaser

Acknowledged by: DAN OCHS

Title: MANAGER

Date: 3-21-16

Erie Beer Company, ID-57

Michael A. McCormick
Michael A. McCormick, President, Erie Beer Company