

October 18, 2013

Telephone: 717-783-9454

FAX: 717-787-8820

Steven Garvick

**RE: Use of Premises of License in Safekeeping**

Dear Mr. Garvick:

ISSUE: This is in response to your e-mail dated September 17, 2013 in which you inquire as to the legality of leasing the premises for individual events such as wedding receptions, birthday parties or reunions, assuming that the patrons provided their own beer. The premises were formerly licensed, but that license is currently in safekeeping. You also ask whether you would be permitted to lease the property to another unlicensed restaurant operator, which operator would permit its patrons to bring their own bottles of alcohol (“BYOB”) onto the premises.

Pennsylvania Liquor Control Board (“Board”) records indicate that The Ox Bar, LLC holds Restaurant Liquor License No. R-17297 (LID 50259) in safekeeping since January 4, 2013, for premises located at 5815 York Road, New Oxford, Pennsylvania.

OPINION: If a license is placed in safekeeping, then the (formerly) licensed premises is treated as unlicensed premises for purposes of the Liquor Code. Accordingly, no restrictions as to usage by individuals or other entities would be imposed by the Board or Liquor Code, other than the prohibition to sell alcohol. Please note that provisions of a Conditional Licensing Agreement, if one previously had been imposed, would still apply to the premises.

If you have any further questions about the Liquor Code and the Board’s Regulations, please do not hesitate to again contact this office.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 13-459