

Douglas Mankovich  
Shadow Vineyard and Winery  
**VIA E-MAIL:** [mank5@verizon.net](mailto:mank5@verizon.net)

**Re: Extended Sales Hours**

Dear Mr. Mankovich:

ISSUE: This is in response to your e-mail sent on January 28, 2014, wherein you request extended sales hours for Sunday, February 2, 2014. You note that you have a special permit to operate in Barclay Square in downtown Punxsutawney for that weekend. You further note that activity in the town begins around 7:30 a.m.; therefore you ask if you may be permitted to start sales at 8:00 a.m. that Sunday morning. You advise that you expect to be finished by 3:00 p.m.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that you hold Limited Winery License No. LK-337 (LID 65547) for the premises located at 1681 Airport Road, Punxsutawney, Pennsylvania. The Board's records further indicate that a Special Permit was granted to you for use in Barclay Square, downtown Punxsutawney, on January 31, 2014, February 1, 2014, and February 2, 2014. The hours of operation are limited to weekdays, 7:00 a.m. to 2:00 a.m. of the following day, and Sunday, 11:00 a.m. until 2:00 a.m. Monday of the following day.

OPINION: Section 505.2(a)(6.3) provides that a limited winery licensee may:

(6.3) Sell alcoholic cider, wine and wine coolers only between the hours of nine o'clock antemeridian and eleven o'clock postmeridian. A limited winery also may request approval from the board to extend sales hours in individual locations at other times during the year or beyond the limits set forth in this clause. The request shall be made in writing to the board's Office of the Chief Counsel and shall detail the exact locations where sales hours are proposed to be extended, the proposed hours and dates of extended operation and the reason for the proposed extended hours.

[47 P.S. Section 5-505.2(a)(6.3)].

Under these circumstances, this office is guided by the privileges that are afforded to other licensees of the Board, such as restaurant licensees. A restaurant licensee that has a Sunday sales permit may sell alcohol on Sundays between 9:00 a.m. and 11:00 a.m., provided that the licensee offers a 'meal' beginning at 9:00 a.m. [47 P.S. Sections 4-406(a)(3); 4-432(f)]. A 'meal' is defined as 'food prepared on the premises, sufficient to constitute breakfast, lunch or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food.' [47 P.S. Section 4-406(e)].

Therefore, if you offer patrons a meal on Sunday morning, you may sell alcohol beginning at 9:00 a.m.

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. 14-012