

March 14, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Joni K. Derrick

Re: Permission to Sell Lottery Tickets

Dear Ms. Derrick:

ISSUE: This is in response to your e-mail of January 21, 2014, in which you request permission to sell Pennsylvania lottery tickets in your licensed establishment.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Rohar Enterprises LLC, t/a The Toasted Monkey, holds Restaurant Liquor License No. R-17601 (LID 68882) for the premises located at 1405 Washington Avenue, P.O. Box 270, Hyde, Pennsylvania.

OPINION: Generally, section 3.52 of the Board’s Regulations prohibits a licensee from operating or permitting another person to operate, another business on a licensed premises without Board approval. [40 Pa. Code § 3.52].

However, the Board has traditionally granted retail licensees’ requests to sell Pennsylvania lottery tickets on their licensed premises. Therefore, your request to sell Pennsylvania lottery tickets on your licensed premises is granted, provided that you comply with any rules or regulations imposed by the Pennsylvania Lottery.

If you have any further questions or concerns regarding this matter, please feel free 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

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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. 14-077