

June 17, 2014

Telephone: (717) 783-9454

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Julio Reyes

**Re: Seasonal Operation**

Dear Mr. Reyes:

ISSUE: Your e-mail of May 27, 2014 inquires whether you may open your licensed restaurant seasonally rather than all year long.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are an officer in Latino’s, Inc., holder of Restaurant Liquor License No. R-8409 (LID 35756) for use by it at premises located at 1313 Parade Street, Erie, Pennsylvania.

OPINION: “Restaurant” is defined as, *inter alia*, a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public. [47 P.S. § 1-102]. There is no specific requirement that a restaurant liquor licensee remain open all year long. However, a licensee whose licensed establishment is not in operation for fifteen (15) consecutive days must return the license and Wholesale Purchase Permit Cards to the Board to be held in safekeeping. [40 Pa. Code § 7.31(a)]. The license may be reactivated from safekeeping upon application and payment of a fee of up to one hundred fifty dollars (\$150.00). [40 Pa. Code § 7.31].

In response to your specific question, it would be possible to operate seasonally by placing the license into safekeeping during the periods of time the licensee wishes to close, and reactivating the license upon resumption of business.

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

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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. 14-338