

June 18, 2014

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P. Jeffrey Hill, Esquire
Harding, Hill & Turowski, LLP
38 West Third Street
Bloomsburg, PA 17815
VIA EMAIL: jeff@hhtlegal.com

RE: Hotel Destroyed by Fire

Dear Mr. Hill:

ISSUE: This office is in receipt of your email of May 7, 2014, wherein you state that your client holds a hotel liquor license. Your client's business was destroyed by fire last year, and the owner wishes to rebuild the structure on the same footprint. You advise that there will be no rooms¹ or a hotel. You ask if the license simply continues as is or if there is some sort of change to the designation. It is assumed by "designation" you are referring to the license's classification as a hotel liquor license.

Pennsylvania Liquor Control Board ("Board") records indicate that Chillin & Grillin on 93, Inc., is the holder of Hotel Liquor License No. H-4090 (LID 57519) for use by it at premises located at 1458 State Route 93, Berwick, Pennsylvania. The license is currently in safekeeping.²

OPINION: Board records indicate that on July 26, 2006, an application for exemption from the bedroom requirements of the Liquor Code, filed by the prior licensee, Theodore J. Nutaitis (LID 7071) was approved. Those bedrooms were approved to be used as storage areas, pursuant to section 471(c)(9) of the Liquor Code [47 P.S. § 4-471(c)(9)]. This exemption applies only for the premises located at 1458 State Route 93, Berwick, Pennsylvania and any transfer of the

¹ It is assumed you are referring to bedrooms for transient guests.

² Board records further indicate that there is a transfer of this license pending. The transferee is Lawson Investments, Inc. (LID 69363).

license to another location would subject the license to the bedroom requirements of the municipality in which it is located.

Regarding the fire please be advised that so long as the premises are rebuilt on the same footprint as the original establishment, the previously granted exemption would continue to apply. However, should your client attempt to vary the size of the building from that of the previous licensed premises, the exemption may no longer be applicable. Any such determination of a bedroom exemption would be made by the Board's Bureau of Licensing. The license in question would remain a hotel liquor license after your client's rebuild.

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. 14-355