June 23, 2014

Telephone: (717) 783-9454
Fax: (717) 787-8820

Ronald S. Smeltzer, Manager
Oak Grove Tavern
206 E. Central Avenue
Avis, PA 17721

RE: Placement of ATM on Licensed Premises

Dear Mr. Smeltzer:

ISSUE: This is in response to your letter received in our office on June 17, 2014, in which you request permission to place an automated teller machine ("ATM") on your licensed premises.

Pennsylvania Liquor Control Board ("Board") records indicate that you are the manager of Ronald D. Smeltzer and Holy K. Smeltzer, t/a The Oak Grove Tavern, located at 206 E. Central Avenue, Avis, PA 17721, which holds Restaurant Liquor License No. R-10682 (LID 40849).

OPINION: Section 3.52 of the Board's Regulations, prohibits a licensee from operating or permitting other persons to operate another business on the licensed premises. [40 Pa. Code § 3.52(a), (c)]. In addition, the licensed premises cannot have an inside passage or communication to or with any other business conducted by the licensee or other persons except as approved by the Board. [40 Pa. Code § 3.52(b)]. Traditionally, however, the Board has granted licensees' requests to place ATMs on their licensed premises. Therefore, your request to place an ATM on your premises is granted.

Should you have any other further questions or concerns regarding this matter, please do not hesitate to 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. 14-362