

Mr. Edmund P. Pisano, President
Scranton Beer Store LLC
300 Olive Street
Scranton, PA 18509

**RE: Placement of ATM and PA Lottery PAT Machine on Licensed
Premises**

Dear Mr. Pisano:

ISSUE: This is in response to your letter received by our office on June 13, 2014, in which you request permission to place an automated teller machine ("ATM") and a PA Lottery Player Activated Terminal ("PAT") Machine on your licensed premises.

Pennsylvania Liquor Control Board ("Board") records indicate that you are the president of Scranton Beer Store LLC located at 300 Olive Street, Scranton, PA 18509, which holds Eating Place Retail Dispenser Liquor License No. E-3960 (LID 56768).

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 Section 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 Section 3.52(b)]. Traditionally, however, the Board has granted licensees' requests to place ATMs and to sell Pennsylvania lottery tickets on their licensed premises. Therefore, your request to place an ATM and to sell Pennsylvania lottery tickets through a PAT machine 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. 14-378