

August 5, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Steven Spataro
15 Independence Road
Avella, PA 15312
VIA FACSIMILE: 724-587-5202

Re: Follow up Regarding Transfer of License

Dear Mr. Spataro:

ISSUE: This is in response to your letter sent via fax on July 15, 2014, in response to this office's Advisory Opinion No. 14-222. You advise that you will soon initiate the process to transfer your license to your LLC. You ask if the LLC can own both your bar and your construction company, and if you will receive approval to operate both businesses from one location, as you cannot afford another building.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Steven A. Spataro, trading as Sputsy's Pub & Grub, holds Restaurant Liquor License No. R-6322 (LID 39275) for the premises at 42 Campbell Street, Avella, Pennsylvania. Records of the Pennsylvania Department of State, Bureau of Corporations, indicate that S. A. Spataro, LLC, and the construction company, S. A. Spataro & Sons, also have a registered address of 42 Campbell Street, Avella, Pennsylvania.

OPINION: At the present time, it is not possible to answer your questions about whether the Board will allow you to operate your construction company and the licensed establishment from the same address, since, as noted previously, the Board's Regulation allows, but does not require, the Board to approve such arrangements. When you file the documents to get the transfer of the license, it is recommended that you also submit a request to get approval to operate both businesses from the same address. The filing of your transfer request will initiate an investigation process, whereby an investigator from the Board's Bureau of Licensing ("Licensing") will visit the licensed premises and gather facts necessary for the transfer process. The investigator may also make recommendations to you

regarding changes that would bring your business situation into compliance with the Liquor Code.

After the investigation process, Licensing will present the information to the three (3)-member Board for a decision. Neither Licensing nor this office can guarantee what the decision of the Board will be.

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. 14-451