

August 14, 2014

Telephone: (717) 783-9454

Fax: (717) 787-8820

Sutton & Wolf, Inc.  
t/a Red Land Beer & Soda Outlet  
601 Old York Road  
Etters, PA 17301

**RE: Request for Approval to Place Propane Tank Outside of Licensed Premises**

To Whom It May Concern:

ISSUE: This is in response to your letter received by our office on August 6, 2014, in which you request permission to place a propane filling station outside of your licensed premises. You indicate that you plan to place a five hundred (500) or one thousand (1,000) gallon tank on the right rear of the building, outside of the licensed premises, for use by your customers.

Pennsylvania Liquor Control Board ("Board") records indicate that Sutton & Wolf, Inc. trading as Red Land Beer & Soda Outlet holds Distributor License No. D-2904 (LID 37505) for premises located at 601 Old York Road, Etters, PA 17301.

OPINION: Although section 492(12) of the Liquor Code [47 P.S. § 4-492(12)] prohibits any distributor or importing distributor or its servants, agents, or employees, from engaging in any other business whatsoever except the business of distributing malt or brewed beverages, in April 2012, Advisory Notice No. 9 regarding the sale or rental of items other than malt or brewed beverages by all malt beverage distributor and importing distributors was revised. In particular, distributors and importing distributors may sell grilling equipment and supplies, such as charcoal, propane, lighter fluid, and utensils, although only to the general public. A copy of the Advisory Notice No. 9 (5th Revision) is attached for your convenience. Therefore, your request for Board approval to sell propane tanks at your licensed distributorship is granted. Please note that propane cylinders must be stored outdoors. [34 Pa. Code § 13.15(a)].

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  
John Metzger, Executive Director  
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. 14-461

Enclosure: Advisory Notice No. 9 (5<sup>th</sup> Revision)