

September 8, 2014

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RE: Modification of Trade Name of Current Licensee

Dear Mr. Blakely:

ISSUE: This correspondence is in response to your e-mail of August 19, 2014, wherein you indicate that a current licensee is considering changing the trade name under which it operates its license. Accordingly, you ask whether it is permissible for the licensee to modify its trade name unilaterally or whether the licensee must first obtain approval from the Pennsylvania Liquor Control Board (“Board”). If approval is required, you ask whether a “PLCB form 959” must be filed in order to obtain such approval.

OPINION: Please be advised that there is nothing in the Liquor Code or the Board’s Regulations that requires a licensee to use a trade name or disclose the use of a trade name to the Board. Similarly, there is nothing in the Liquor Code or the Board’s Regulations that gives the Board the authority to approve or disapprove the use of a particular trade name by a licensee. However, if a licensee has disclosed the use of a trade name to the Board and the trade name actually appears on the license that is held by the licensee, then any change to that trade name should be reported to the Board using the “PLCB 959 – Application for Correction to License, Permit or Agent’s Registration.”

Should you have any additional questions regarding this matter, the Liquor Code, or the Board’s Regulations, please do not hesitate to again contact this office.

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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

LCB Advisory Opinion No. 14-504