

September 17, 2014

Telephone: (717) 783-9454

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Ms. Janice Goren

E: Placement of Pennsylvania Lottery Machine on Licensed Premises

Dear Mr. Fisher:

ISSUE: This is in response to your request of September 8, 2014, forwarded to this office, in which you seek permission to place a Pennsylvania Lottery Machine on your licensed premises.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are the Board-approved manager for Poconos Palace Propco LLC and Highgate Hotels LP, which holds Hotel Liquor License No. H-6347 (LID 67325) for the premises located at 5241 Milford Road, East Stroudsburg, Pennsylvania.

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 sell Pennsylvania lottery tickets on their licensed premises. Therefore, your request to place a Pennsylvania Lottery Machine on your licensed 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

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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. 14-518