

December 24, 2014

Moss Clark

RE: Owning a Distillery and a Brewery

Dear Mr. Clark:

ISSUE: Your e-mail of November 13, 2014 asks whether or not you can own a distillery and a brewery concurrently. You state that this is a follow-up to a previous phone call with this office. Specifically, you state that you hold a forty percent (40%) stake in a limited liability company (“LLC”) that runs a distillery, but you wish to start a brewery under a different legal entity.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Allegheny Distilling, LLC holds Limited Distillery License No. AL-12 (LID 68231) for use by it at premises located at 3212A Smallman Street, Pittsburgh, Pennsylvania.

OPINION: A limited distillery license and a brewery license are both manufacturing licenses. While the general rule in section 438(c) of the Liquor Code [47 P.S. § 4-438(c)] is that no person shall possess more than one (1) class of license, there is nothing in the Liquor Code or Board’s Regulations prohibiting an entity from holding multiple licenses, provided such licenses are of the same class. Therefore, it would be permissible for you to be involved in the ownership of a limited distillery and a brewery company concurrently.

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,

Moss Clark
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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. 14-638