

August 27, 2015

Mike Hepps

RE: Extension of Premises

Dear Mr. Hepps:

ISSUE: This is in response to your e-mail inquiry of July 1, 2015, in which you state that you have a client who is a distributor that wishes to extend its licensed premises to include two (2) exterior parking spaces. Presumably, the parking spaces are immediate, abutting, adjacent and contiguous to the licensed premises. You state that your client wishes to install two (2) wireless communication devices near the parking spaces so that patrons can purchase beer and other items from the distributor without leaving their car. You ask whether this is permissible and where you can locate the appropriate application.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Elemar, Inc. holds Distributor License No. D-3562 (LID 5109) for use by it at premises located at 111 Butler Avenue, Lancaster, Pennsylvania.

OPINION: Please be advised that there is nothing in the Liquor Code that prohibits a distributor from extending its licensed premises to include additional areas not currently covered by the license. Section 7.21(b)(2) of the Board's Regulations permits licensees, including distributor licensees, to extend its license to the immediate, abutting, adjacent, and contiguous vacant land. [40 Pa. Code § 7.21(b)(2)]. Please note that the distributor must have an exclusive right to occupy the additional areas that it wishes to license. Also, such an extension can be requested on a temporary or permanent basis. Once approved, the additional licensed premises become subject to all restrictions within the Liquor Code and the Board's Regulations.

Please be further advised that it is the decision of Licensing, and ultimately the (3)-member Board, whether to grant a particular request for an extension of premises. Also, section 493(1) of the Liquor Code prohibits the service, furnishing or giving of any liquor or malt or brewed beverages to any person who is visibly

intoxicated and imposes strict liability on a licensee for violating this section. [47 P.S. § 4-493(1)].

The forms necessary to apply for extension of licensed premises may be acquired from the Board's Bureau of Licensing ("Licensing") at (717) 783-8250, or via the Board's website, at <http://www.lcb.state.pa.us>, by selecting "Licensees," then "Applications/Forms," then "Application Packets," and then "Application for Wholesale License to Cover Additional Premises."

Should you have any 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
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

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