

October 19, 2015

Jason Willis, Esquire  
JBM Legal, LLC  
428 Forbes Avenue, Suite 2510  
Pittsburgh, PA 15219  
**VIA E-MAIL**

**RE: Citizenship of Restaurant Licensee's Principals**

Dear Mr. Willis:

ISSUE: This office is in receipt of your e-mail of September 18, 2015, wherein you advise that you represent a Pennsylvania Liquor Control Board ("Board") restaurant licensee. You advise that the corporation is going to sell its shares and replace its current officers with foreign nationals, who are neither citizens of the United States of America nor residents of the Commonwealth of Pennsylvania.

You state you have called the Board and spoken to two (2) attorneys, who advised you that the Board does not enforce the citizenship requirements of the Liquor Code. You seek written confirmation of your phone calls.

Board records indicate that Chinese on Broad St., Inc., holds Restaurant Liquor License No. R-7175 (LID 27664) for use by it at premises located at 409 Broad Street, Sewickley, Pennsylvania.

OPINION: As you appear aware, section 403(c) requires that if the applicant for a restaurant liquor license is a corporation, the corporation must show that it was created under the laws of the Commonwealth of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania. Moreover, all of the corporation's officers, directors, and stockholders must be United States citizens. [47 P.S. § 4-403(c)]. However, there is no residency requirement under this section of the Liquor Code.

Please be advised that the Pennsylvania Attorney General's Office has issued General Opinion 2013-1, which declared that the citizenship requirements found in

section 403 of the Liquor Code were unconstitutional and are not enforceable. Consequently, the Board does not enforce those provisions.

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

LCB Advisory Opinion No. 15-442