

January 4, 2016

Bob Dennis
VIA E-MAIL

RE: New Social Hall/Training Hall

Dear Mr. Dennis:

ISSUE: This office is in receipt of your e-mail dated December 13, 2015, wherein you advise that your organization is in the process of building a new club room that will be completed in the first quarter of 2016. You advise that the new building will be located on the same ground as the old club. You advise that the address for the club will remain unchanged. You ask for guidance concerning the required process that must be undertaken once the new building is ready for occupancy.

Although you have not identified a licensee on behalf of which you pose your questions, it will be presumed for purposes of this response that you are asking on behalf of a current club or catering club liquor licensee.

OPINION: The required process for your club depends upon whether or not the construction will extend the area which is already licensed. If the licensed area will occupy the same footprint following the construction, your club should send a letter to the Board's Bureau of Licensing ("Licensing") informing the Board of the club's intention and how the affected portions of the licensed premises will be reconfigured. If, however, the footprint of the licensed area is expanding or covering an area not previously covered by the license, your club would have to apply for an extension of its licensed premises to cover the additional area. [40 Pa. Code § 7.21]. The application can be obtained by telephoning (717) 783-8250, or via the Board's website, at www.lcb.state.pa.us. From the homepage, select "Licensees," then "Applications/Forms Overview," then "Forms." The Application for Extension of Retail License to Cover Additional Premises" (PLCB-49) and other forms can be accessed there.

Notice of the application for extension of premises must be posted upon the licensed premises in accordance with the Board's Regulations. [40 Pa. Code § 3.13]. Upon receipt of the application, the Board will assign an investigator to examine the extent of the proposed renovated premises. The club may apply for "prior approval" of the plans

for the renovated premises before it incurs the expense of renovation, in order to assure that the area(s) may be licensed. [47 P.S. § 4-403].

Be advised that it is Licensing and ultimately the three-member Board which makes the decision as to whether a particular request to reconfigure licensed premises or to extend the licensed premises is in compliance with the Liquor Code and the Board's Regulations. If so approved, the Board will issue a revised license for the renovated premises.

Also be advised that if, as a result of the renovation, the licensed operations of the club must cease, the club would need to place its license into safekeeping within fifteen days of discontinuing licensed operations. [47 P.S. § 4-474]. After placing the license into safekeeping, the club would have no further authority to sell alcoholic beverages on the formerly licensed premises, unless and until the club applied to have the license returned from safekeeping. [40 Pa. Code § 4.31(e)]. A club license may be kept in safekeeping for one year or upon proper application to the Board, for one additional year thereafter. [47 P.S. § 4-474; 40 Pa. Code § 7.31(a)].

Please do not hesitate to contact this office should you have additional questions.

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,

RODRIGO J. DIAZ
EXECUTIVE DEPUTY CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director, Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing