

February 26, 2016

Jeremy Shearer
VIA E-MAIL

RE: Extension of License Questions

Dear Mr. Shearer:

ISSUE: This is in response to your e-mail inquiry of February 5, 2016, in which you state that you are currently a holder of a restaurant liquor license. You recently purchased the building next door. You ask what are the policies regarding the extension of your current licensed premises to cover the building next door. Presumably, you intend to break down the wall in your existing business to provide an interior connection to the building that you recently purchased.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Press Bistro LLC holds Restaurant Liquor License No. R-3096 (LID 68627) for the premises located at 110 Franklin Street, Suite 110, Johnstown, Pennsylvania.

OPINION: Please note that since the currently licensed premises does not include the new property, you will need to file an application to have your licensed premises extended to include the new property. Section 7.21(b)(2) of the Board’s Regulations permits a licensee to extend its license to immediate, abutting, adjacent, and contiguous vacant land. [40 Pa. Code § 7.21(b)(2)]. Such an extension can be requested on a temporary or permanent basis. Once the extension is approved, the area becomes subject to all restrictions in the Liquor Code and the Board’s Regulations. Please note that it is the Board’s Bureau of Licensing (“Licensing”) initially, and the members of the Board ultimately, that decides whether a particular extension request is in compliance with the Liquor Code and the Board’s Regulations, and whether or not to grant the extension.

An applicant may request “prior approval” of the extended area if physical alterations or new construction will be required. [40 Pa. Code § 7.23]. Before an application is considered by the Board, Licensing will conduct an inspection of the premises to ensure that the additional premises is completely equipped to carry on the licensed business.

The forms necessary to apply for extension of licensed premises may be acquired from 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."

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
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. 16-056