

Janet Stechman
Anastasi Seafood
1101 South 9th Street
Philadelphia, PA 19147
VIA E-MAIL

RE: Temporary Location Change

Dear Ms. Stechman:

ISSUE: This is in response to your e-mail of March 31, 2016, wherein you state that you are the vice president of Anastasi Seafood, with licensed premises currently located in a building owned by Midwood Management. Midwood Management is planning a reconstruction of the site by the beginning of next year, requiring you to move to a temporary location for two years. You have recently found a suitable location that will allow you to rent for the duration, but do not want to sign a lease without knowing if your license will move with you. You inquire if you are able to temporarily relocate your license and the steps by which to do so.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Anastasi Seafood, Inc., holds Restaurant Liquor License No. R-1337 (LID 40906) for use by it at 1101–1105 South 9th Street, Philadelphia, Pennsylvania. Anastasi Seafood, Inc., and also holds Transporter-for-Hire, Class B License No. IB-4442 (LID 71322) for use by it at 1101 South 9th Street, Philadelphia, Pennsylvania.

OPINION: Section 404 of the Liquor Code provides for the issuance of hotel, restaurant, and club liquor licenses and the transfers of same. 47 P.S. § 4-404. As you are aware, an applicant seeking a liquor license must meet all requirements and regulations as set forth in the Liquor Code and the PLCB’s Regulations; a transfer of a license from one place to another is subject to the same requirements/processes. There is no separate process afforded for a temporary relocation. Accordingly, in order to transfer a license from one location in a municipality to another location, a transfer application with the PLCB must be filed.

In order for a liquor license to be issued by the Board, including a transfer of an existing license, there must be both a person or entity and an operational premises. Please be aware, however, that section 403(a) of the Liquor Code also allows a liquor

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license to be transferred on a prior approval basis. 47 P.S. § 4-403(a). This section also an application to be based on plans rather than an operating facility. If approved on a "prior approval" basis, the transferee would have six (6) months to become operational. Failure to do so could lead to the revocation of a previously approved license.

Transfer applications are available by calling the Board's Licensing Information Center at (717) 783-8250, or by logging onto www.lcb.state.pa.us.

Please note that if the transfer is to a different municipality, i.e. an inter-municipal transfer, the approval of the receiving municipality would be required if the quota for licenses has been filled. 47 P.S. § 4-461.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB's Regulations, please feel free to once again 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.

Sincerely,



RODRIGO J. DIAZ
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

LCB Advisory Opinion No. 16-142