

May 25, 2016

Michelle Sheaffer  
**VIA E-MAIL**

**Re: The Flex-one unit**

Dear Ms. Sheaffer:

ISSUE: This office is in receipt of your e-mail of May 16, 2016, in which you advise that wish to know if “the flex-one unit” is legal for you to have in your establishment.

Records maintained by the Pennsylvania Liquor Control Board (“PLCB”) indicate that KS & MS, Inc., holds Restaurant Liquor License No. R-20159 (LID 65842) for use by it at premises located at 1364 Susquehanna Trail, Liverpool, Pennsylvania. PLCB records further indicate that you are an officer of the licensee.

OPINION: It is assumed that you are inquiring as to the legality of a particular gambling enterprise. Please be advised that this office’s authority to issue Advisory Opinions is set forth in section 211.1 of the Liquor Code, which provides that “Upon written request by a licensee, the board or its counsel shall issue a legal opinion regarding any subject matter relating to *this act* or any regulation promulgated pursuant to it. This legal opinion shall be binding on the enforcement bureau.” 47 P.S. § 2-211.1 (emphasis added). Because of this statute, this office is only permitted to render legal opinions regarding the Liquor Code or the PLCB’s Regulations.

Please be advised because unlawful gambling is a violation of the Pennsylvania Crimes Code, this office cannot provide you with a legal opinion as to whether certain activities would constitute unlawful gambling. You should contact the local police, the Pennsylvania State Police, or the District Attorney’s Office of your county for an official opinion on whether certain activities would constitute unlawful gambling.

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 of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-194