

May 31, 2016

Nate Willing
VIA E-MAIL

RE: Place-to-Place Transfer of Brewery License

Dear Mr. Willing:

ISSUE: This office is in receipt of your e-mail of April 5, 2016, wherein you state that your place of business currently holds a brewery license. You ask what steps you must take to move the brewery license to a new location.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Chiques Rock Brewing LLC holds Brewery License No. G-559 (LID 70384) for use by it at the premises located at 113-117 West Market Street, Marietta, Pennsylvania.

OPINION: Please be advised that you can apply for a new brewery license for use at your new proposed location. In order to apply for a new brewery license, you will need to complete and submit, among other documents, a “PLCB 1350 - Application for License, Manufacture, Storage, Transportation,” which is available on the PLCB’s website at www.lcb.state.pa.us, by placing your cursor over the link for “Licensees,” then selecting “Applications/Forms Overview,” followed by “PLCB+.” If you have not yet registered for this, you will need to click “Register here.” Please note that there is a filing fee of \$700.00 and a license fee of \$1,425.00, which is pro-rated quarterly.

Please be further advised that the relocation of your brewery license from the current location to a new location could also be accomplished via a “place-to-place transfer.” This would require the filing of an application for transfer with the PLCB. To obtain an application for transfer, you can contact Licensing at (717)-783-8250, or visit the PLCB’s website at www.lcb.state.pa.us, click on “Licensing,” followed by “Resources for Licensees,” and “Applications and Forms,” and then select “Application for Transfer of License and Permit.” The application is investigated by Licensing, which then makes a recommendation to the three-member Board. The three-member Board, in its sole discretion, may approve, reject or condition its approval of any license transfer.

Please be further advised that as part of the application process, you will need to show the Licensing investigator proof that the licensee has the right to occupy the new building. While a sales agreement can be contingent or dependent upon the approval of the transfer, or some other condition, the actual approval must reflect that the licensee has the legal right to occupy the building. The transfer could be approved on a prior approval basis, which means that assuming all factors indicated on the application are completed as planned, the application can be approved. "Prior approval" means that the application is investigated by Licensing on the basis of plans submitted by the applicant. This allows the applicant to defer making changes to the proposed licensed premises until its plans have been approved by the PLCB. Once the changes are completed, authority will be given to you for the new location. Before you actually begin to operate at the new premises, however, a reinvestigation would be necessary to verify that the sale of the building was completed and all other conditions of the license transfer met.

Should you have any additional questions, do not hesitate to 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 of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-201