

July 26, 2016

David L. Bargeron, Esquire
VIA E-MAIL: esqdlb@aol.com

Re: Conversion of E License to R License

Dear Mr. Bargeron:

ISSUE: This is in response to your e-mail of June 27, 2016, wherein you ask about the recent amendments to the Liquor Code pertaining to the conversion of an eating place retail dispenser license (“E”) to a restaurant liquor license (“R”).

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Parthenon, Inc., doing business as Campus Pizza House, holds Eating Place Retail Dispenser License No. E-1233 (LID 5435) for the premises at 133-137 McCartney Street, Easton, Pennsylvania.

OPINION: Act 39 of 2016, which will become effective on August 8, 2016, provides the following with regard to the conversion of an E license to an R license:

In a municipality which has approved the granting of liquor licenses and upon application to the board and payment of a fee of thirty thousand dollars (\$30,000), the board shall convert an eating place retail dispensing license to a restaurant license without regard to the quota restrictions set forth in section 461(a). The converted restaurant license shall be subject to the provisions of this act governing restaurant liquor licenses. The provisions of this subsection allowing a holder of an eating place retail dispensing license to convert the license to a restaurant liquor license shall only apply to a license holder whose license is not subject to a pending objection by the director of the Bureau of Licensing or the board under section 470(a.1), until the matter is decided. A conversion under this subsection shall be considered a transfer or issuance of a new license for the purposes of section 402. This subsection does not apply to license in a city of the first class.

Act 39 of 2016, p. 104.

Please note that, as the above will not become effective until August 8, 2016, applications for conversion will not be accepted before that time. After that date, more information will be available on the PLCB's website at www.lcb.state.pa.us.

As to your specific questions about what must be submitted to convert a license and what are the fees, an application for conversion will need to be submitted along with the payment of a \$30,000 fee, as well as a \$700 application fee. More detailed information about the conversion process will be available after August 8th.

Should you have any other questions and/or issues related to the Liquor Code or the Board'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 of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-258