

July 21, 2016

Gregg Spicer
VIA E-MAIL

RE: Rental of Adjoining Apartment

Dear Mr. Spicer:

ISSUE: This office is in receipt of your e-mail dated June 22, 2016, wherein you indicate that there is an apartment connected to your bar via an interior door. You advise that you currently use the apartment as an office, and you understand that, due to its connection to the bar, the apartment can only be used as a living space for the licensee's owner or manager. You ask, should you decide to seal up the interior connection and remove the door, putting your office elsewhere in the establishment, if you could then rent out the apartment.

Records of the Pennsylvania Liquor Control Board ("PLCB") indicate that Silver Lake Tavern, Inc., holds Restaurant Liquor License No. R-18014 (LID 53517) for use by it at premises located at Silver Lake Road, RR 2 Box 265, Dingmans Ferry, Pennsylvania. You are currently the PLCB-approved vice president, secretary, director, stockholder and manager for the licensee.

OPINION: As you are aware, section 3.51 of the PLCB's Regulations states that "[l]icensed premises may not have an inside passage or communication to or with a residence other than the residence of the licensee, corporate officer or manager." 40 Pa. Code § 3.51. However, if you were to permanently seal up or eliminate the door between the licensed premises and the apartment, nothing in the PLCB's Regulations or the Liquor Code would prohibit you from renting out the apartment. Please note that it will be the Bureau of Licensing and not this office which will determine whether the interior connection has been sufficiently sealed/eliminated.

Should you have any further questions or concerns regarding this matter, please 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**

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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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-259