

August 22, 2016

Avram Hornik
VIA E-MAIL

Re: Payment by Credit Card

Dear Mr. Hornik:

ISSUE: This is in response to your e-mail sent on August 8, 2016, in which you inquire whether a licensee may pay for beer using a credit card from a wholesale distributor who does not have a retail (dual) license. It will be presumed for purposes of this response that you are asking whether a retail licensee may purchase beer by credit card from a licensed distributor or a licensed importing distributor.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that you have an interest in the following three active restaurant liquor licenses in the City of Philadelphia: a) 13River15 LLC, R-11922 (LID 66180), for the premises located at 221 North Columbus Boulevard; b) 15Dolphin39 LLC, R-6842 (LID 67797), for the premises located at 1539 South Broad Street; and c) Duo Brick Oven LLC, R-2926 (LID 61289), for the premises located at 3900 Chestnut Street.

OPINION: As you likely know, Act 39 of 2016 (“Act 39”) became effective on August 8, 2016. Act 39 allows, but does not require, distributors and importing distributors to accept payment by credit card from licensees for the purchase of malt or brewed beverages. 47 P.S. § 4-493(2).

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

Avram Hornik
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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. 16-315