

August 29, 2016

Mike Ginder
Big Daddy's Ribs & Wings
204 Cumberland Street
Lebanon, PA 17042-5306
VIA E-MAIL

RE: Wine Expanded Permits

Dear Mr. Ginder:

ISSUE: This office is in receipt of your e-mail dated August 9, 2016, wherein you indicate that you own an eating place retail dispenser ("E") license. You ask if you must convert your E license to a restaurant liquor ("R") license before you may apply for a wine expanded permit.

Pennsylvania Liquor Control Board ("PLCB") records indicate that Michael Ginder holds Eating Place Retail Dispenser License No. E-1557 (LID 64333) for use by him at premises located at 204 Cumberland Street, Lebanon, Pennsylvania.

OPINION: As you are aware, Act 39 of 2016 ("the Act") creates a wine expanded permit for R licensees and hotel ("H") licensees. 47 P.S. § 4-415(a)(1). Since you do not hold an R or H license, you would not be eligible for a wine expanded permit. However, if you converted your E license to an R license, then you would be eligible for a wine expanded permit.

To that end, be advised that the Act allows for the conversion of an E license to a R license, without regard to the quota, provided that the municipality is "wet" for liquor, which means that the municipality allows for the issuance or transfer of R licenses. The fee for such a conversion is for \$30,000. Please note that the E license cannot be converted if there is currently a pending objection by Licensing or if the E license is located in Philadelphia. 47 P.S. § 4-432(h). Additionally, be advised that such a conversion is considered a transfer or an issuance of a new license for purposes of section 402 (proximity issues). 47 P.S. § 4-432(h).

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Please do not hesitate to contact this office should you have additional questions.

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,

A handwritten signature in cursive script, appearing to read "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 No. 16-318