

August 29, 2016

Steven Kalkstein
VIA E-MAIL

RE: Change of Officers

Dear Mr. Kalkstein:

ISSUE: This office is in receipt of your e-mail of July 19, 2016, wherein you advise your mother holds a Pennsylvania Liquor Control Board (“PLCB”) license. You advise she is advancing in age, and that you wish to have your name added to the license.

PLCB records indicate that EWK 111, Inc., holds Restaurant Liquor License No. R-5197 (LID 37194) for use by it at premises located at 509 Wall Avenue, Wilmerding, Pennsylvania. PLCB records further indicate that Steven J. Kalkstein is the PLCB-approved manager for the licensee.

OPINION: As an initial matter, you are highly advised to seek your own competent legal counsel to assist you in this highly regulated endeavor.

Only those with a pecuniary interest in a license can have their name added to a license. There are various ways for you to acquire a pecuniary interest in a liquor license. For example, you can purchase stock of the corporation and file a “Notice of Change in Business Structure” with the PLCB’s Bureau of Licensing.

Please be advised that section 5.91(a) of the PLCB’s Regulations states that a corporation, association or other PLCB-licensed entity, except a club, having officers, or directors, or stockholders, shall report a change in officers, or directors or stockholders within fifteen days. 40 Pa. Code § 5.91(a). A change in stockholders involving less than ten percent of outstanding voting stock need not be reported, except when the change involves a majority or controlling interest. Id. Control is defined as the power or authority to manage, direct, govern, administer or oversee the operation of the licensed business. Id.

If the new configuration of the corporation changes the controlling interest in the operation of the licensed business, then you will have to post notice as well. You may visit the PLCB's website at <http://www.lcb.state.pa.us/PLCB/index.htm> to begin the application process.

Again, however, this is only one way to achieve your goal; a private attorney well-versed in liquor law would be able to provide you with several options.

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 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. 16-320