

October 31, 2016

Janet Stechman  
Anastasi Seafood, Inc.  
**VIA E-MAIL**

**Re: Wine Expanded Permit Questions**

Dear Ms. Stechman:

ISSUE: This is in response to your e-mail dated October 18, 2016, wherein you advise that your restaurant has obtained a wine expanded permit. You ask if you are supposed to keep track of the bottles of wine you sell – presumably for off-premises consumption – separately from your regular restaurant sales. You also ask if you need to order wine for off-premises consumption separately.

Records of the Pennsylvania Liquor Control Board (“PLCB”) records indicate that Anastasi Seafood, Inc. holds Restaurant Liquor License No. R-1337 (LID 40906) for the premises at 1101-1105 South Ninth Street in Philadelphia.

OPINION: Section 415(b)(2) of the Liquor Code provides that the annual renewal fee of the wine expanded permit shall be equal to 2% of the cost of wine purchased from the Board for off-premises consumption. 47 P.S. § 4-415(b)(2). The statute does not specifically say that sales of wine for off-premises consumption must be tracked separately, although it is unclear how you would otherwise determine the renewal fee. As to your second question, the Liquor Code does not require licensees to place a separate order for wine that is intended for off-premises consumption. You may do so if you find it helpful for the renewal process.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB’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**

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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 Opinion No. 16-442