

November 8, 2016

Charles Fox  
**VIA E-MAIL**

**RE: License Transfer upon Death**

Dear Mr. Fox:

ISSUE: This office is in receipt of your e-mail of October 21, 2016, wherein you inquire “what is required to have my lisc [*sic*] transfered [*sic*] to an individual in case of my death?”

OPINION: The answer to your question depends on the manner in which the license is held. Section 7.5 of the Pennsylvania Liquor Control Board’s (“PLCB”) Regulations provides that on the death of the licensee, the license may be transferred immediately to the surviving spouse or to the administrator / executor of the estate of the licensee upon presentation of the transfer form, application, filing fee, and short form certificate from the Register of Wills. 40 Pa. Code § 7.5. This section applies primarily to sole proprietorships, i.e., if the license is held by an individual in an individual’s name.

If the licensee is a corporate entity, and the sole corporate officer (and manager) has died, then section 7.5 of the PLCB’s Regulations is inapplicable. Rather, section 5.91 of the PLCB’s Regulations requires a corporation, association or other PLCB-licensed entity to report a change in officers or directors or stockholders within fifteen days of such change. 40 Pa. Code § 5.91(a). However, some person must have the authority to act on behalf of the corporate licensee in order to do so. Accordingly, a short form death certificate (or court order) would be required to evidence what person or entity has the authority to act on behalf of the estate.

**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  
Tisha Albert, Director, Director of Office of Regulatory Affairs  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-447