

November 23, 2016

Julie Wehner
VIA E-MAIL

RE: Limited Winery and Limited Distillery Co-location

Dear Ms. Wehner:

ISSUE: This is in response to your e-mail dated October 26, 2016, wherein you advise that you operate a licensed limited winery having an approved satellite location in Oxford, Pennsylvania. You are interested in having a distillery licensee use the satellite location building for sales of their spirits. You ask if such an arrangement is permissible or whether the two licensees must be separate.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Flickerwood Wine Cellars, Inc. holds Limited Winery License No. LK-286 (LID 62165), and No. LK-286-2 for the satellite premises located at 33 West Third Street, Oxford, Pennsylvania.

OPINION: The PLCB’s Bureau of Licensing (“Licensing”) will not typically dual-license a location, absent specific statutory authority. Thus, only one license may be in effect at one time at any particular location or portion of a location.

In the alternative, you may separate the licensed premises such that they are two physically distinct locations within the same building, since each license would then have its own physical space. However, it would be necessary to obtain Board approval if you wished to have an interior connection between these licensed premises. 40 Pa. Code § 3.52(b). In addition, please note that a licensed limited winery may only share a satellite location with another licensed limited winery, not a distillery or brewery.

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 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

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Tisha Albert, Director of Office of Regulatory Affairs
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-470