

February 24, 1999

Mr. Harold C. Yost, III
JFK LEASING COMPANY, INC.
JFK Dist.
950 Bellefonte Avenue
Lock Haven, PA 17745

Dear Mr. Yost:

ISSUE: This is in response to your faxed letter of February 9, 1999, in which you request the Board's permission to sell prepaid phone cards at your licensed distributorship.

OPINION: Unfortunately, the sale of prepaid phone cards is not permissible. Section 492(12) of the Liquor Code prohibits any distributor or importing distributor, or its servants, agents or employees, absent Board approval, to engage in any other business whatsoever, except the business of distributing malt or brewed beverages. [47 P.S. §4-492(12)]. While the Board has approved the sale of certain items, such as those contained in Advisory Notice No. 9 (3rd Revision), a copy of which is enclosed, it has not approved the sale of prepaid phone cards by distributors or importing distributors, despite past requests to do so.

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.

Very truly yours,

FAITH S. DIEHL
Chief Counsel

Enclosure

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454
FAX: (717) 787-8820

LCB Advisory Opinion No. 99-060