

August 10, 1999

Telephone: 717-783-9454
FAX: 717-787-8820

Mary P. Anderson, President
Exton Beverage Co., Inc.
310 E. Lincoln Highway
Exton, PA 19341

Dear Ms. Anderson:

ISSUE: In your July 26, 1999 letter to this office, you requested permission to be open on Sundays from 12:00 p.m. to 6:00 p.m. Your company currently owns distributor license No. D-3273 which is located in a heavily trafficked mall.

OPINION: Unfortunately, your request to receive permission to be open on Sundays must be denied. Section 492(4) of the Liquor Code prohibits any manufacturer, importing distributor or distributor to sell malt or brewed beverages on Sundays. [47 P.S. Section 4-492(4)]. While distributor licensees may deliver beer on Sunday if arrangements had been made prior to that day, prior arrangements are defined as malt or brewed beverage sales totaling at least \$250.00 which had been ordered in advance and paid for in full before the Sunday of delivery. Except for delivery of beer, which had been purchased through prior arrangement, a distributor may not sell alcohol on Sundays. The statute does not give the Board the authority to make exceptions to this rule.

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

cc: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

LCB Advisory Opinion No. 99-289