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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 19, 2009

Patrick J. Stapleton, III, Chairman
Pennsylvania Liquor Control Board
502 Northwest Office Building
Harrisburg, PA 17124

Re: Regulation #54-63 (IRRC #2613)
Pennsylvania Liquor Control Board
License Application and Management Contracts

Dear Chairman Stapleton:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Arthur Coccodrilli

Chairman

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Enclosure

cc: Honorable John R. Pippy, Majority Chairman, Senate Law and Justice Committee
Honorable Sean F. Logan, Minority Chairman, Senate Law and Justice Committee
Honorable Robert C. Donatucci, Majority Chairman, House Liquor Control Committee
Honorable John J. Taylor, Minority Chairman, House Liquor Control Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held November 19, 2009

Arthur Coccodrilli, Chairman
George D. Bedwick, Vice Chairman
S. David Fineman, Esq.
Silvan B. Lutkewitte, III
John F. Mizner, Esq., by Phone

Regulation No. 54-63 (#2613)
Pennsylvania Liquor Control Board
License Application and Management
Contracts

On May 17, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code Chapters 1, 3, 5, 7, 13 and 17. The proposed regulation was published in the July 21, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 20, 2009.

On September 29, 2009, the Commission received a request from the Board to toll consideration of this final-form regulation to correct drafting errors, clarify certain provisions and to provide additional information in the Preamble. On October 29, 2009, the Pennsylvania Liquor Control Board submitted its revisions to the final-form regulation to the Commission.

This final-form regulation defines the terms “pecuniary interest,” “management contracts” and “malt or brewed beverage dispensing system.” It also establishes or amends rules pertaining to management contracts, the appointment of managers, the cleaning of dispensing systems and tasting events.

We have determined this regulation is consistent with the statutory authority of the Board (47 P.S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Arthur Coccodrilli, Chairman