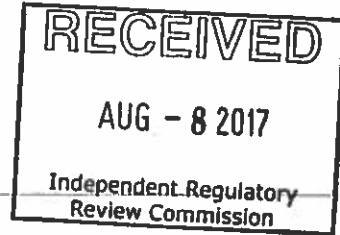


3175.

**Kathy Cooper**

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**From:** IRRC  
**Subject:** FW: PA LCB final-omitted regulation #54-97 "Intermunicipal Transfer of Retail Licenses" (IRRC #3175)



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**From:** Elam M. Herr [mailto:[eherr@psats.org](mailto:eherr@psats.org)]  
**Sent:** Tuesday, August 08, 2017 12:21 PM  
**To:** Scott Schalles  
**Subject:** RE: PA LCB final-omitted regulation #54-97 "Intermunicipal Transfer of Retail Licenses" (IRRC #3175)

Scott: We have reviewed the Liquor Control Board's final-omitted regulation #54-97, "Intermunicipal Transfer of retail Licenses" (IRRC #3175), and found that the proposal complies with the legislative intent of Act 155 of 2006 with one exception.

That exception pertains to §7.62. Although we agree that the existing language in this section should be deleted, we question why the new language of Act 155 of 2006 was not incorporated? We understand that there is presently a court case pending related to this section, but it is outside the parameters of the Liquor Code and relies on another law affecting municipalities. We are concerned that should the new language not be incorporated into the proposed regulations, one might argue that the new language does not apply since regulations are relied upon as law. Finally, even if the courts find that an applicant has the ability to challenge a municipal decision under another law, the language of the Liquor Code should reflect the intent of the legislature until that specific section of the Liquor Code is challenged.

As always, we appreciate the ability to review and comment on proposed regulations before the Commission. Should you desire additional information, please do not hesitate contacting us. Elam

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