



GUIDANCE FOR SHERIFF'S SALE OF A LIQUOR LICENSE JUNE 6, 2000

1. The writ of execution should list a liquor license by the license number (such as R-12345, etc.). The Pennsylvania Liquor Control Board, in the event the license is in safekeeping, should not be named as garnishee as it is exempt from garnishment actions under Pennsylvania law. [42 Pa. C.S.A. §8521]. The writ need not be filed in Dauphin County, even if the license is in safekeeping, i.e. being held in escrow by the Board. The Board does not generally need to be notified when a writ of execution is filed.
2. It is the Board's position that the sheriff is not required to seize the license prior to the sale, as this does not affect the right of the licensee to operate until the sale is completed. Although a licensee must display the license to legally operate, the Board, upon request, will issue a duplicate license to the licensee. The original license is only valid when used by the named licensee at the named location. It may not be transferred without Board approval. What is sold at a sheriff's sale is the right to apply for the transfer of the license in question. If a license is seized it should be sent to the Bureau of Licensing, Northwest Office Building, Harrisburg, PA 17124-0001 within 15 days.
3. Unopened liquor bottles and beer should not be sold at the sheriff's sale unless the sale includes the liquor license. Liquor may, at the Board's discretion, be sold back to the liquor store for refund. Unopened beer may be returned to the distributor or supplier who sold it to the licensee. [40 Pa. Code §§9.111-9.113]. The shelf life of beer is roughly six months.
4. If the debtor satisfies the judgment prior to sale, the sheriff may return the original license to the named licensee. The local solicitor should be consulted with regard to disposition of any property, including the license.
5. Prospective buyers of the license should be notified of the following conditions of sale:
 - a. The sale of the license is subject to approval by the Pennsylvania Liquor Control Board. Renewal and transfer applications may be obtained from the Bureau of Licensing, Northwest Office Building, Harrisburg, PA 17124, (717) 783-8250.
 - b. The license renewal application must be filed sixty (60) days prior to the expiration date of the license. [47 P.S. §4-470]. If filed later than that date, or within two (2) years after the expiration, a late filing fee will be charged for the renewal application. The Board's Bureau of Licensing should be given the purchaser's current address immediately after the sale so that renewal information and notices may be delivered. It is essential that all letters from the Board be carefully reviewed and all necessary steps be timely taken to renew and/or transfer the license. All time limits should be strictly followed.
 - c. If the license is not renewed within two (2) years after the expiration, it ceases to exist and shall not be reactivated.

- d. Transfer and renewal of the license require that both the previous license holder and the purchaser obtain tax clearance certificates from the Departments of Revenue and Labor & Industry. [47 P.S. §4-477].
 - e. Any pending citations issued against the license shall be satisfied prior to transfer.
 - f. Restaurant, hotel and club licenses may usually only be transferred within the municipality. Distributor and importing distributor licenses may be transferred within the county where located. [47 P.S. §4-468].
6. The purchaser shall obtain the signature of the sheriff or the prothonotary on the Liquor Control Board transfer or renewal applications in lieu of the previous license holder. The sheriff's bill of sale and writ of execution shall accompany the transfer or renewal application when filed.