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# **A STEP-BY-STEP GUIDE ON PROTESTING THE ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE**



The Pennsylvania Liquor Code provides for neighborhood input into the approval or refusal of alcoholic beverage licenses. This brochure, prepared by the Pennsylvania Liquor Control Board (PLCB), outlines what steps you or a community group can take to protest a proposed liquor or beer license in your neighborhood.

## STEP ONE: OBSERVE PUBLIC NOTICE

Applicants for hotel, restaurant, eating place retail dispensers, club, and beer distributor licenses are required by law to post public notice of their application for these licenses. An orange placard similar to the one in this guide must be posted on a clearly visible part of the proposed premises.

Objections to the approval of a proposed alcoholic beverage license must be filed within 30 days of the posting of public notice by license applicants. In rare cases, protests and petitions to intervene filed beyond this 30-day period may be considered when good cause is shown for the lateness.

## STEP TWO: DETERMINING STANDING TO FILE PROTESTS/PETITIONS TO INTERVENE

Those who may file a protest when proximity is at issue (e.g., new applications, extension applications, place-to-place transfers, and double transfers) include:

- People residing within 500 feet of the proposed licensed premises.
- Restrictive institutions that are located within 300 feet of the proposed licensed premises, including churches, schools, hospitals, public parks with playground equipment for children, and charitable institutions.
- Other PLCB licensees whose licensed premises are located within 200 feet of the proposed licensed premises.

People/entities that do not fall into the above categories may be able to file a petition to intervene in the following situations:

- A person and/or entity who can show a direct interest in an application and who can further demonstrate that a PLCB decision contrary to the person's direct interest will cause the person to be aggrieved may file a petition to intervene. For example, owners of property within 500 feet of a proposed premises who do not reside on the property would not be eligible to file a protest, but the owners would be able to file a petition to intervene.
- For a change in ownership, officers, and/or Board-approved manager of a currently licensed premises, anyone with knowledge of the reputation of the proposed owners, officers, or Board-approved manager may file a petition to intervene.
- For a person-to-person transfer, anyone with knowledge of the reputation of the applicant's owners, officers, or proposed Board-approved manager may file a petition to intervene.

## STEP THREE: FILE PROTEST/PETITION TO INTERVENE

To have a protest considered, the eligible parties with standing must fall under one of the criteria mentioned in Step Two. Generally, to be considered timely, a protest and/or petition to intervene must be filed with the PLCB within 30 days of the public notice posting.

A protest and/or petition to intervene can be filed on the PLCB's website, [www.lcb.pa.gov](http://www.lcb.pa.gov), by placing the cursor over the link for "Licensing," then selecting "FILE PROTEST OR PETITION" and following the prompts. You will need the file number located in the upper-right corner of the orange public notice placard; if the file number is not identified on the placard, call 717.783.8250.

PLCB regulations require that a person/entity who files a petition to intervene must also provide a copy of the petition to the applicant identified on the orange public notice placard.

## STEP FOUR: ATTEND PUBLIC HEARING

After objections are filed, a public hearing will be scheduled to take testimony from the license applicant and the people/entities with standing who filed protests and petitions to intervene. Hearings are held in numerous locations across the commonwealth, and the people/entities with standing who filed valid protests and petitions to intervene will be notified in writing of the date, time, and location of the hearing.

### *Helpful Hints for the Hearing*

- Although not required, people/entities with standing who filed protests and petitions to intervene often retain an attorney to ensure proper representation and cross-examination.
- General or speculative testimony is not helpful, as only pertinent and actual facts can be considered.
- Evidence presented must have a basis in fact and relate to the specific case at hand.
- If a protestant/petitioner wishes to make a document part of the record, he/she needs an original document plus five copies of each document.

## STEP FIVE: HEARING RESULTS

After the hearing, a report summarizing the evidence gathered is sent to the PLCB in Harrisburg. The PLCB reviews the report and decides to approve or refuse each application. People/entities who filed valid protests and petitions to intervene are notified in writing of the PLCB's decision. An appeal may be filed in the appropriate court of jurisdiction within the statutory timeframe; both the court of jurisdiction and the timeframe will be specified on the written notification sent by the PLCB.

For more information regarding the filing of protests or petitions to intervene, contact one of the PLCB licensing field offices listed on the back of this brochure.