



IN THE PUBLIC INTEREST

PENNSYLVANIA LIQUOR CONTROL BOARD

Harrisburg, Pennsylvania 17124-0001

May 25, 2010

Telephone: (717) 783-9454

Fax: (717) 787-8820

Mr. Robert Theil
Office of Senator Lawrence M. Farnese, Jr.
1902 South Broad Street
Philadelphia, PA 19145

RE: Conditional Licensing Agreement

Dear Mr. Theil:

This is in response to your e-mail of April 13, 2010 to the Pennsylvania Liquor Control Board ("Board") wherein you advise that in the summer of 2007, your predecessor worked with 700-02 S. 5th Street Associates (current holders of inactive License No. R-622) and the local civic association, Queen Village Neighbors Association, on a Conditional Licensing Agreement ("CLA"). You further advise that a new licensee will be utilizing License No. R-622 at the same location. You ask if the previously agreed upon CLA will be in effect with the new licensee.

Initially, please be advised that it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement ("Bureau"), and not the Board, that enforces the liquor laws in Pennsylvania. This office is authorized to issue legal opinions to licensees of the Board that are binding on the Bureau. Since you are not a Board licensee, the following is offered as guidance and information only.

Board records confirm that 700 S. 5th Street Associates, LLC entered into a CLA with the Board on or about September 18, 2007. Pursuant to paragraph seven (7) of the CLA, licensee agreed that the terms of the CLA would remain in effect both on the license and on the premises unless and until a subsequent agreement has reached with the Board rescinding these restrictions. Accordingly, the terms of the CLA would remain with the premises at 700-702 S. 5th Street should a transfer involving even another license occur for the location. Any modification of any of the terms of the CLA would require a specific request to the Board to do so.

Robert Theil
May 25, 2010
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Should you have any additional inquiries with regard to the Liquor Code or the Board's Regulations, please do not hesitate to again contact this office.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

by: 
ROBIN COWARD
Assistant Counsel

cc: Jerry W. Waters, Director, Office of Regulatory Affairs
Jane Melchior, Director, Bureau of Licensing
Tisha Albert, Assistant Director, Bureau of Licensing



IN THE PUBLIC INTEREST

PENNSYLVANIA LIQUOR CONTROL BOARD

Harrisburg, Pennsylvania 17124-0001

September 19, 2007

Telephone: (717) 783-9454

FAX: (717) 787-8820

Barry Goldstein, Esquire
Goldstein, Friedberg, Goldstein & McHugh, P.C.
Two Greenwood Square
3331 Street Road, Suite 450
Bensalem, PA 19020

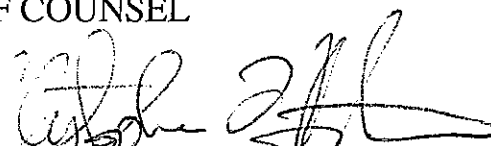
RE: 700 S. 5th Street Associates, LLC
700-02 South 5th Street
Philadelphia, PA 19147-3006
License No. R-622

Dear Mr. Goldstein:

Enclosed please find a copy of the Conditional Licensing Agreement ("CLA") for the above-referenced license, which has been signed by the Chief Counsel. An additional copy of the CLA, together with a copy of this letter, is being sent to the Bureau of Licensing so that it may be forwarded to the Board for consideration.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

by: 
CHRISTOPHER L. HERRINGTON
Assistant Counsel

Enclosure

cc: Robert Thiel, Office of Senator Vincent J. Fumo
Jerry W. Waters, Sr., Director, Bureau of Licensing
Tisha Albert, Chief, Administrative and Divergent Licensee Affairs Division
Rebekah Deitz, Supervisor, Nuisance Bar Unit, Licensing

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CONDITIONAL LICENSING AGREEMENT

This Conditional Licensing Agreement ("Agreement") is made between the Commonwealth of Pennsylvania, Pennsylvania Liquor Control Board ("Board") located at Capitol and Forster Streets, Harrisburg, Pennsylvania 17124, and 700 S. 5th Street Associates, LLC ("5th Street"), applicant for transfer of Restaurant Liquor License No. R-622 for the premises located at 700-02 South 5th Street, Philadelphia, Pennsylvania 19147-3006. The Board and 5th Street stipulate to the following:

1. 5th Street is the applicant for a double transfer of Restaurant Liquor License No. R-622 for use at 700-02 South 5th Street, Philadelphia, Pennsylvania 19147-3006. A double transfer is a transfer of a license's ownership and location.
2. The license is currently held by Youjongdee, Inc.
3. State Senator Vincent J. Fumo has filed a Petition to Intervene in response to the application for transfer, which has raised objections to the transfer of the license.
4. The concerns raised by the Petition to Intervene relate to the over-abundance of liquor licenses in this area, the lack of parking, potential for incidents of disturbance, and inadequate police protection.
5. 5th Street, in an attempt to assuage the concerns of Senator Fumo, is willing to enter into an agreement with the Board imposing additional conditions on the license and further understands that such conditions will remain with the license and the premises until subsequent agreement with the Board removes such conditions or the license is transferred to a new owner for use at a new location.
6. The Board and 5th Street, therefore, agree that if the transfer application is approved, the following conditions will be placed on the license as well as the premises:

- a. 5th Street will not apply for a dance hall license or cabaret license with the City of Philadelphia;
- b. If 5th Street applies to the Board for an amusement permit, 5th Street agrees that it will not permit amplified music at the premises and will not have more than two (2) musicians playing acoustical music at one (1) time. No disc jockey playing recorded music of any sort will be employed or permitted by 5th Street;
- c. 5th Street agrees not to sell any malt or brewed beverages for off-premises consumption;
- d. 5th Street will not apply for an extended hours food permit with the Board;
- e. 5th Street will not use, hire or employ the services of any promoter or the services provided by a promoter to operate or conduct business or events at the premises; and
- f. 5th Street will maintain, at all times, seating in the licensed premises, at tables, booths and at the bar, accommodating no less than forty (40) patrons.

7. 5th Street understands that failure to adhere to this Agreement may result in a citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement, and/or non-renewal of the license and/or Amusement Permit by the Board. 5th Street further understands that these terms will remain in effect both on the license and on the premises unless and until a subsequent agreement is reached with the Board rescinding these restrictions.

8. This Agreement is intended to create legally binding obligations, is entered into in Pennsylvania and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

9. In the event that any provision of this Agreement is determined to be legally invalid, the affected provision shall be stricken from this Agreement and the remaining terms of this

