

010-140-111



Northwest Office Building
Harrisburg, Pennsylvania 17124-0001
www.pslcb.state.pa.us

May 29, 2013

WT RESTAURANT HOLDINGS LLC
743 S 4TH ST
PHILADELPHIA PA 19147-3125

RE: LID 70704
LICENSE NO. R-1055

Dear Licensee:

The application for transfer of license has been approved subject to the conditions of the attached letter.

In accordance with our officer's report of investigation, our records reflect the following:

LICENSED AREA(S):**FIRST FLOOR**

20' X 54' - SERVING 20' X 10' - SERVING 27' X 11' - KITCHEN

BASEMENT

20' X 52' - STORAGE 47' X 11' - STORAGE

LLC STRUCTURE:

SCOTT C. SCHROEDER - 50% MEMBER
PATRICK O'HALLEY - 50% MEMBER & PLCB MANAGER

Sincerely,

A handwritten signature in black ink that reads 'Jerry W. Waters, Sr.'.

Jerry W. Waters, Sr., Director
Office of Regulatory Affairs

Refer to: Licensing Information Center
(717) 83-8250

JW: dfr
cc RMP
cc PSPRI_RL
cc Atty Taraskus
cc Transferor
ATTACHMENTS

An Equal Opportunity Employer

PROCEEDS BENEFIT ALL PENNSYLVANIANS

10007 4/11



May 29, 2015

SCOTT C. SCHROEDER
368 DALY ST FLR 2
PHILADELPHIA PA 19148

RE: LID 78184
License No. R-1055
MT RESTAURANT HOLDINGS LLC
743 S. 4TH ST
PHILADELPHIA PA 19147-3125

Dear Mr. Schroeder:

The Pennsylvania Liquor Control Board has approved your application for transfer of Restaurant Liquor license, R-1055, to the above captioned premises on a Prior Approval basis subject to the following condition(s):

1. PCB-1854TP, Certification of Completion, affirming all financial arrangements except the costs of construction/renovations to the licensed premises were completed as originally reported. Both parties must sign and date the Certification of Completion. The Certification of Completion must be returned to the Board within 15 days of the formal completion date (settlement). Failure to conclude settlement within 30 days of the date of this letter may result in the approval being rescinded.

Upon receipt of the properly executed PCB-1854TP, "Certification of Completion", the transferred license will be issued in the name of the applicant and held in safekeeping.

2. This approval is pursuant to you complying with the conditions outlined in the enclosed Conditional Licensing Agreement signed by Scott Schroeder, Member, of MT Restaurant Holdings LLC and Hisha Albert, Director, Pennsylvania Liquor Control Board, on April 10, 2015.

3. Completion of the premises and compliance with the requirements shall be accomplished within six (6) months from the date of this letter. Failure to comply with these requirements shall be considered cause for revocation of the license.

Upon completion of the premises, the following will be required to initiate final inspection:

- * Form PCB-1689, "Application for Return of License From Safekeeping" and \$100.00 fee.
- * One photograph at least 4" x 6" in size of the premise exterior and interior. The photographs must have a white finish.

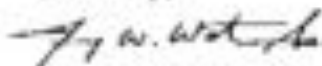
SCOTT C. SCHROEDER

May 29, 2015

- Documentary evidence that a valid health license is displayed on the premises. This may be in the form of a photocopy or a written statement from the issuing authority.
- Since you plan on being open and in operation in the near future, the \$300.00 Sunday Sales Permit Fee will be retained in order that the Sunday Sales Permit may be issued along with the license.
- PLCB-1854TPF, Certification of Completion, affirming all financial arrangements including the costs of construction/renovations to the licensed premises were completed as originally reported. If the financing has been modified, the changes will be verified by the investigating officer during the final inspection of the premises.
- If you intend to conduct any catered functions during the calendar year in which the license is released from safekeeping, even though no functions have been scheduled, you must submit an Application for Off-Premises Catering Permit (form PLC-2403) with the \$500.00 filing fee within sixty (60) days of the premises becoming operational. Failure to submit the application and fee within that sixty (60) day period will disqualify you from obtaining permits for catered events during that calendar year.
- At the time of the investigation, the premises must be ready for operation as a bona fide restaurant, fully furnished and equipped and stocked with sufficient food.

All above mentioned forms are attached for your convenience. Please retain for use when construction and/or alterations are completed.

Sincerely,



Jerry W. Waters, Sr., Director
Office of Regulatory Affairs

Refer to: Licensing Information Center
(717) 783-8250

JW: djk
CC: PSPR1_RE
CC: Atty Tarankun
CC: Transferor
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CONDITIONAL LICENSING AGREEMENT (R-1055-1)

This Conditional Licensing Agreement ("Agreement") is made between the Commonwealth of Pennsylvania, Pennsylvania Liquor Control Board ("Board"), located at Capital and Forster Streets, Harrisburg, Pennsylvania 17124, and WT Restaurant Holdings LLC ("WT Restaurant"), applicant for transfer of Restaurant Liquor License No. R-1055 (LID 70784), for use by it at premises located at 743 South 4th Street, Philadelphia, Pennsylvania 19147-3125. The Board and WT Restaurant stipulate to the following:

1. WT Restaurant is the applicant for the transfer of Restaurant Liquor License No. R-1055 (LID 70784), for use by it at premises located at 743 South 4th Street, Philadelphia, Pennsylvania 19147-3125.
2. The license is currently held by Nico Chef LLC (LID 60077), for use by it at premises located at 1623 East Passyunk Avenue, Philadelphia, Pennsylvania 19148-1121.
3. State Senator Lawrence Farnese, Jennifer Milberry, Jason Tuck, Justin May, Molly May, Dr. Sonya Lee, Jamie Miller, and Craig Miller each filed a petition to intervene, and/or protest, in response to the application for transfer, which has raised objections to the transfer of the license.

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4. The concerns raised by the petition to intervene and protests relate, *inter alia*, to the effect this approval would have on the residents of the neighborhood and the potential for excessive noise.

5. Under section 404 of the Liquor Code, [47 P.S. § 4-404], the Board is obligated to refuse a transfer application if it finds that an approval of that application would have an adverse effect on the welfare, health, peace and morals of the neighborhood within five hundred (500) feet of the proposed licensed premises.

6. WT Restaurant, in an attempt to assuage the concerns of Protestants and Interveners, is willing to enter into an agreement with the Board imposing additional conditions on both the license as well as the premises.

7. The Board and WT Restaurant, therefore, agree that the following conditions be placed on Restaurant Liquor License No. R-1055, as well as the premises:

- a. Within ninety (90) days of the approval of this Agreement, WT Restaurant shall become compliant with and remain compliant with the responsible alcohol management provisions of the Liquor Code including, but not limited to:
 - i. New employee orientation;
 - ii. Training for alcohol service personnel;

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- iii. Manager/owner training;
- iv. Displaying of responsible alcohol service signage; and
- v. Certificates of compliance by the Board's Bureau of Alcohol Education.

For purposes of this section, days in which the license is in noncompliance shall not be counted against the ninety (90)-day deadline;

- b. WT Restaurant shall not sell or serve alcohol after 11:00 p.m., Sundays through Thursdays, and by 12:00 midnight, Fridays and Saturdays. WT Restaurant shall require all patrons to vacate the premises within one-half (1/2) hour after the sale and service of alcohol has ended;
- c. WT Restaurant shall not permit live amplified music or a disc jockey on the licensed premises. WT Restaurant may provide amplified prerecorded background ambient music at the licensed premises through an internal speaker system;
- d. WT Restaurant shall not sell alcohol for off-premises consumption;

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- c. WT Restaurant shall not use, hire or employ the services of any outside third party or the services provided by an outside third party to operate or conduct business or events at the licensed premises, nor use, hire or employ any outside third party to sell tickets at the door, or online or to charge patrons for food, alcohol and/or entertainment. Notwithstanding the foregoing, this condition shall not apply to any culinary events held at the licensed premises;
- f. WT Restaurant shall maintain, at all times, seating at tables or booths for at least fifty (50) patrons, and seating at the bar for no more than eighteen (18) patrons;
- g. WT Restaurant shall not apply for, nor will the Board approve, any other class of liquor license at the premises;
- h. WT Restaurant shall not apply for an extended hours food permit from the Board nor will the Board issue such a permit to WT Restaurant;
- i. WT Restaurant shall not sell any malt or brewed beverages in individual containers of forty (40) or more ounces;

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- j. WT Restaurant shall not apply for, nor accept from the City of Philadelphia, a special assembly permit or a "cabaret" license;
- k. WT Restaurant will not use any type of banners, signs or other types of display on the exterior of the premises or within twenty (20) feet of the premises that advertise the price and/or availability of alcohol. Notwithstanding the foregoing, this condition shall not apply to the display of menus, the advertising of food specials and exterior signage that identifies the restaurant;
- l. WT Restaurant shall not seek nor will the Board approve an extension of the licensed premises to include sidewalk seating during the first year this Agreement is in effect;
- m. After the one (1) year prohibition set forth in paragraph 7(i), if WT Restaurant seeks to expand its premises to include sidewalk seating, it must provide written notice to the Queen Village Neighborhood Association ("QVNA"), and to Senator Farnese or the Senator then representing the legislative district in which the premises is located. The Board will not accept an application to

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attend the licensed premises unless it is accompanied by a copy of the aforementioned written notices;

- b. WT Restaurant shall close its windows during its hours of operation to contain noise and preserve the quality of life for adjacent residential properties;
- c. Other than to allow ingress to and egress from the licensed premises, all exterior doors at the licensed premises will be kept closed during the hours when the windows are to be closed;
- p. The main public entrance to the licensed premises shall be through the door on Fourth (4th) Street; and
- q. At least thirty (30) days prior to requesting reconsideration or renegotiation of the terms of this Agreement, WT Restaurant shall provide written notice to Senator Lawrence M. Farnese, Jr., or the Senator then representing the legislative district in which the premises is located, and to QVNA. The Board will not consider a request to modify the Agreement unless it is in writing and accompanied by copies of the aforementioned written notices.

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8. Failure to adhere to this Agreement may result in citation(s) by the Pennsylvania State Police, Bureau of Liquor Control Enforcement, and/or non-renewal of this license by the Board.

9. 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.

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

11. In the event that any provision of this Agreement is determined to be legally invalid, the affected provision shall be stricken from the Agreement and the remaining terms of the Agreement and their enforceability shall remain unaffected thereby.

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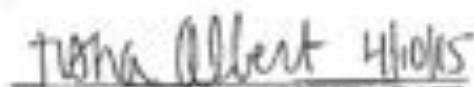
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IN WITNESS WHEREOF, the parties hereby have caused this Agreement to be executed pursuant to due legal action authorizing same. This Agreement will not be fully executed and binding on the parties unless and until all signatures are affixed hereto and unless and until the Board approves the underlying application.


SCOTT C. SCHROEDER
MEMBER
WI RESTAURANT LLC
4-7-15
DATE


TISHA ALBERT, DIRECTOR
BUREAU OF LICENSING
PENNSYLVANIA LIQUOR
CONTROL BOARD
DATE



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