

PLEASE REPLY TO PA OFFICE

Theodore J. Zeller III, Esquire
E-mail: tzeller@nmmlaw.com
Direct Dial: 484-765-2220
Direct Fax: 484-765-2312

September 10, 2014

City Clerk's Office
City of Bethlehem
10 East Church Street
Bethlehem, PA 18018



ATTENTION: Nanette S. Snyder, Assistant City Clerk

RE: Request Intermunicipal Liquor License Transfer
My Client: Publik House, LLC
Site Location: 123 W. 4th Street, Bethlehem, PA 18015

Dear Ms. Snyder:

Please consider this correspondence as my client's request for an intermunicipal transfer of liquor license into the City of Bethlehem at the above location, pursuant to 47 P.S. § 4-461(b.3). Under this statute, please note that a public hearing (duly advertised) must be held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality relative to my client's application. In addition, the City Council must render a decision within 45 days of the request. In my experience before your Honorable Council, the hearings have been conducted at a legislative forum to ascertain whether moving the license into the City at a particular location would adversely affect the welfare, health, peace and morals of the municipality. Typically, the hearings have not been specially listed at their own times, but have been specially listed agenda items of regular City business. Further, the hearings have been conducted as the first order of business.

The proposed site is located at 123 W. 4th Street, Bethlehem, and I welcome the City Council to review zoning records in this regard. My client intends to operate a family dining restaurant. In addition, should you have any questions, concerns, or would like a summary of my client's proposal (which we intend to present at the hearing with plans), please do not hesitate to contact me. Lastly, attached is a copy of the proposed Resolution approving the transfer.



City Clerk's Office
City of Bethlehem
September 10, 2014
Page 2

As requested, I have enclosed this firm's check in the amount of \$200.00 representing the required fee, along with a copy of the proposed Transfer Application to be submitted to the Pennsylvania Liquor Control Board upon receipt of the requisite Resolution from the City of Bethlehem approving the intermunicipal transfer request. Please advise me when my client's request is scheduled to be heard by Bethlehem City Council.

Thank you for your time and consideration.

Respectfully,



THEODORE J. ZELLER III

TJZ:rds
Enclosure

**CITY OF BETHLEHEM
NORTHAMPTON COUNTY, PENNSYLVANIA
RESOLUTION NO. 2014 – _____**

**A RESOLUTION APPROVING THE REQUEST OF
PUBLIK HOUSE, LLC
TO TRANSFER LIQUOR LICENSE NO. R-7324**

WHEREAS, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, hereinafter, "Code") authorizes, among other things, the Pennsylvania Liquor Control Board (hereinafter, "PLCB") to approve the transfer of liquor licenses across municipal boundaries within the same county and under certain conditions to issue restaurant and eating place retail dispenser licenses without regard to quota restrictions for the purpose of economic development; and

WHEREAS, subsection (b.3) of Section 461 requires that an inter-municipal transfer or issuance of a new license for economic development must, under certain conditions, first be approved by the governing body of the receiving municipality; and

WHEREAS, that subsection also requires that a receiving municipality issue a resolution approving or disapproving the inter-municipal transfer or issuance of a new liquor license prior to submission of an application for such transfer to the PLCB; and

WHEREAS, that subsection mandates that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within the receiving municipality concerning the intent to transfer the license into the municipality or the issuance of an economic development license; and

WHEREAS, Publik House, LLC (hereinafter, "Applicant"), owns property located at 123 W. 4th Street, City of Bethlehem, Northampton County, PA to operate a family dining restaurant; and

WHEREAS, on September 10, 2014, and pursuant to Section 461, the Applicant filed a request for approval by the City Council of the City of Bethlehem (hereinafter, "Council") of a proposed, inter-municipal transfer of Restaurant Liquor License No. R-7324 owned by Mishjo, LLC t/a 3 Brothers Ale House, 1031 Butler Street, Easton, Wilson Borough, Northampton County, PA to Publik House, LLC, 123 W. 4th Street, Bethlehem, Northampton County, PA; and

WHEREAS, on _____, and in accordance with Section 461 (b.3) the Council held a public hearing on the proposed, liquor license transfer; and

WHEREAS, the purpose of this Resolution is to comply with Code Section 461 (b.3).

NOW, THEREFORE, BE IT RESOLVED by the City County, City of Bethlehem, Northampton County, Pennsylvania as follows:

1. Applicant seeks approval of an inter-municipal transfer of Restaurant Liquor License No. R-7324 owned by Mishjo, LLC t/a 3 Brothers Ale House, 1031 Butler Street, Easton, Wilson Borough, Northampton County, PA 18042 to Publik House, LLC, 123 W. 4th Street, Bethlehem, Northampton County, PA pursuant to Code Section 461.

2. Applicant proposes to, and will, operate a restaurant at the afore-described location.

3. The Applicant's proposal is consistent with current zoning regulations.

4. The Applicant's proposed restaurant will be located in a non-residential, City of Bethlehem zoning district.

5. There is no evidence that the proposed, inter-municipal transfer will adversely affect the welfare, health, peace and morals of this City or the residents hereof.

6. Council hereby approves the Applicant's request for an inter-municipal transfer of Pennsylvania Liquor License No. R-7324 pursuant to Code Section 461 (b.3).

7. The transfer of the Liquor License contemplated hereby is subject to final approval by the PLCB.

ADOPTED, this _____ day of _____, 2014, by the City Council of the City of Bethlehem, Northampton County, Pennsylvania, in lawful session duly assembled.

CITY OF BETHLEHEM

ATTEST:

City Clerk

**APPLICATION FOR TRANSFER
OF
LICENSE AND PERMIT**

(SEE INSTRUCTIONS ON REVERSE)

I hereby agree to the transfer of my license and permits, if any, to the applicant named in Block 6 and to the premises shown in Block 8 and 9. I guarantee to make no other attempt to transfer said license and permits until this application has been definitely acted upon.

INFORMATION AS TO PRESENT LICENSEE AND ADDRESS OF LICENSED PREMISES

1. NAME OF LICENSEE Mishjo, LLC	LID 64168	LICENSE NO. R-7324	AMUSEMENT PERMIT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. TRADE NAME (IF ANY) 3 Brothers Ale House			
3. ADDRESS OF PREMISES (STREET, RURAL ROUTE, P.O. BOX NO.) 1031 Butler Street		(POST OFFICE) Easton	(STATE) (ZIP) PA 18042
4. NAME OF MUNICIPALITY Wilson	TYPE OF MUNICIPALITY <input type="checkbox"/> CITY <input checked="" type="checkbox"/> BORO <input type="checkbox"/> TWP. <input type="checkbox"/> INC. TOWN		COUNTY Northampton
5. RESOLUTION			

At a regular or special meeting held on August, 20 14 by the licensed corporation, it was resolved that said application be filed with the Pennsylvania Liquor Control Board, and that Michael Relvas, Member and/or _____ is/are
(NAME/TITLE) (NAME/TITLE)

hereby authorized to execute said application, and any other papers required by the Board.

INFORMATION FOR APPLICANT AND ADDRESS OF PREMISES TO BE LICENSED

6. NAME OF APPLICANT Publik House, LLC	IS AMUSEMENT PERMIT TO BE TRANSFERRED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
7. TRADE NAME (IF ANY)		
8. ADDRESS OF PREMISES (STREET, RURAL ROUTE, P.O. BOX NO.) 123 W. 4th Street	(POST OFFICE) Bethlehem	(STATE) (ZIP) PA 18015
9. NAME OF MUNICIPALITY Bethlehem	TYPE OF MUNICIPALITY <input checked="" type="checkbox"/> CITY <input type="checkbox"/> BORO <input type="checkbox"/> TWP. <input type="checkbox"/> INC. TOWN	
COUNTY Northampton		

I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904 and 47 P.S. §4-403(h) and/or §4-436(j) and/or §5-504(b) and/or §7-704, that the foregoing answers and statements provided herein are true and complete to the best of my knowledge and belief.

SIGNATURE OF PRESENT LICENSEE	TITLE
PRINT NAME OF PERSON SIGNING Michael Relvas	DATE OF EXECUTION
HOME ADDRESS OF PRESENT LICENSEE	PHONE

This application for transfer must be accompanied by the following supporting papers and requisite fee(s):

- A. Application and other supporting documents as instructed on the accompanying application for type of license and permits desired.
- B. Check or money order made payable to the *PLCB* or the *Commonwealth of Pennsylvania* for license transfer fee of \$650 for person to person, or \$550 for place to place, or \$700 for BOTH person to person and place to place. This fee is not refundable.
- C. Additional fee of \$10.00 if the current Amusement Permit is to be transferred.
- D. If an inter-municipal transfer of a retail license, written approval from the governing body of the receiving municipality if the retail municipal quota is met or exceeded.
- E. If the transfer is for a retail liquor or retail malt beverage dispenser license from a city of the 1st class to a county of the 2nd class A or 3rd class designated as a Mixed-Use Town Center Development Project, the following is required:
 - 1. Municipal approval as described in "D."
 - 2. Resolution or Ordinance stating the municipality has designated the location a Mixed-Use Town Center Development Project.
 - 3. \$50,000 surcharge fee along with the transfer fee as described in "B."
 - 4. Intra-County Affirmation stating the applicant has exhausted reasonable means for obtaining a suitable license within the county.
 - 5. Affidavit from a real estate agent, license broker or other similar professional attesting to the unavailability of a liquor license at a relative market price.

DO NOT WRITE BELOW THIS LINE

LID _____ PM _____ CO/MNCP CODE _____ ZIP _____

APPLICATION FOR RETAIL LIQUOR OR RETAIL DISPENSER LICENSE AND PERMITS

(SEE INSTRUCTIONS PAGE 3)

PAGE 1 OF 3

(ANSWER ALL QUESTIONS)

The undersigned hereby applies for: NEW TRANSFER OF A

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> HOTEL LIQ. | <input type="checkbox"/> EATING PLACE RET. DISP. | <input type="checkbox"/> AIRPORT RESTAURANT LIQ. | <input type="checkbox"/> CONTINUING CARE RETIREMENT COMMUNITY RESTAURANT LIQ. |
| <input type="checkbox"/> HOTEL RET. DISP. | <input type="checkbox"/> OFF-TRACK WAGERING REST. LIQ. | <input type="checkbox"/> PRIVATELY-OWNED PUBLIC GOLF COURSE REST. LIQ. | <input type="checkbox"/> CONTINUING CARE RETIREMENT COMMUNITY EATING PLACE RET. DISP. |
| <input type="checkbox"/> BREWERY PUB | <input type="checkbox"/> MUNIC. GOLF COURSE LIQ. | <input type="checkbox"/> PRIVATELY-OWNED PUBLIC GOLF COURSE RET. DISP. | <input type="checkbox"/> GAMING RESTAURANT LIQ. |
| <input checked="" type="checkbox"/> RESTAURANT LIQ. | <input type="checkbox"/> MUNIC. GOLF COURSE RET. DISP. | | <input type="checkbox"/> GAMING EATING PLACE RET. DISP. |

1. NAME OF APPLICANT

Publik House, LLC

2. TRADE NAME (IF ANY)

3. ADDRESS OF PREMISES

123 W. 4th Street Bethlehem PA 18015
(STREET, RURAL ROUTE, P.O. BOX NO.) (POST OFFICE) (STATE) (ZIP)

4. NAME OF MUNICIPALITY TYPE OF MUNICIPALITY COUNTY
Bethlehem CITY BORO TWP. INC. TOWN Northampton

5. AMUSEMENT PERMIT

WILL YOU PERMIT DANCING, PROVIDE FLOOR SHOWS, OR ANY OTHER ENTERTAINMENT? YES NO

6. SUNDAY SALES PERMIT (PERMIT IS NOT NECESSARY FOR CONTINUING CARE RETIREMENT COMMUNITY APPLICANTS)

WILL YOU SELL LIQUOR AND/OR MALT OR BREWED BEVERAGES ON SUNDAY? YES NO

7. EXTENDED HOURS FOOD LICENSE

WILL YOU SERVE FOOD UNTIL 7:00 A.M. OF ANY DAY? YES NO

8. IS THE APPLICATION TO BE CONSIDERED FOR PRIOR APPROVAL? YES NO

9. HAS THE APPLICANT PREVIOUSLY FILED AN APPLICATION FOR ANY OTHER PLCB LICENSE? YES NO IF "YES", WHEN AND WHERE?

10. IS A CURRENT HEALTH LICENSE POSTED ON THE PREMISES? YES NO IF "YES", WHEN DOES IT EXPIRE? GIVE MONTH, DAY, YEAR.

11. NAME OF CURRENT OWNER OF PREMISES DEED BOOK VOLUME NO. PAGE NO./INSTRUMENT NO.
Jose G. & Rafaela Nunez 2013-1 127250

ADDRESS OF CURRENT OWNER OF PREMISES LEASE EXPIRATION DATE
726 Lechauwicky Avenue, Fountain Hill, PA 18015

11(A). NAME OF OFFICERS, DIRECTORS, SHAREHOLDERS, PARTNERS OR MEMBERS OF PROPERTY OWNER. (ATTACH SEPARATE SHEET IF NECESSARY) TITLE

Jose G. Nunez

Rafaela Nunez

12. ECONOMIC DEVELOPMENT (NEW LICENSE APPLICATION ONLY)

ARE YOU APPLYING FOR A NEW RESTAURANT LIQUOR OR EATING PLACE RETAIL DISPENSER ON THE BASIS OF ECONOMIC DEVELOPMENT? YES NO

IF YES, ARE YOU APPLYING ON THE BASIS OF (A), (B), OR (C)? CHECK ONE:

A. THE PROPOSED PREMISES IS LOCATED WITHIN A KEYSTONE OPPORTUNITY ZONE. YES NO

B. THE PROPOSED PREMISES IS LOCATED WITHIN AN AREA DESIGNATED AS AN ENTERPRISE ZONE. YES NO

C. THE GOVERNING BODY OF THE MUNICIPALITY HAS APPROVED THE APPLICANT FOR LOCAL ECONOMIC DEVELOPMENT. YES NO

DO NOT WRITE BELOW THIS LINE

NEW APPL: CO/MNCP _____ ZIP _____

13. IF THE PREMISES TO BE LICENSED IS IN A PA GAMING FACILITY:

- A. WHO IS THE GAMING LICENSE ISSUED TO? _____
- B. GAMING LICENSE NUMBER _____
- C. NAME OF THE GAMING FACILITY _____
- D. ARE THERE ANY OTHER PLCB LICENSES ISSUED FOR THIS PREMISE? IF YES, WHAT ARE THE PLCB LICENSE NUMBERS? _____

14. COMPLETE IN DETAIL - ATTACH SEPARATE SHEET, IF NECESSARY.

NAME OF INDIVIDUAL APPLICANT, PARTNERS, MEMBERS, OR OFFICERS & DIRECTORS	TITLE	HOME ADDRESS	DATE AND PLACE OF BIRTH	LENGTH OF RESIDENCE IN PA.	U.S. CITIZEN?	
					YES	NO
A. NAME Jose G. Nunez		726 Lechauwicky Avenue Fountain Hill, PA 18015	1/23/1973 Mexico		✓	
B. NAME Rafaela Nunez		726 Lechauwicky Avenue Fountain Hill, PA 18015	10/24/1976		✓	
C. NAME						
D. NAME						
E. NAME						
F. NAME						

15. FOR CORPORATIONS AND LIMITED LIABILITY COMPANIES ONLY

A. REGISTERED AS: PROFIT NONPROFIT

REGISTERED NAME	INCORPORATED/ORGANIZED		IF FOREIGN CORPORATION GIVE DATE OF CERTIFICATE OF AUTHORITY OR IF FOREIGN LLC GIVE DATE REGISTERED IN PA
	PLACE	DATE	
	Harrisburg, PA	6/18/14	

B. **RESOLUTION**

TYPE OF PERMIT TO BE GRANTED NEW LICENSE TRANSFER OF LICENSE

At a regular or special meeting held on September, 20 14 by the applicant, it was resolved that said application be filed with the Pennsylvania Liquor Control Board, and that Jose G. Nunez, and/or _____ is/are hereby
(NAME/TITLE) (NAME/TITLE)

authorized to execute said application, and any other papers required by the Board.

16. FOR CORPORATIONS ONLY

LIST ALL STOCKHOLDERS - ATTACH SEPARATE SHEET, IF NECESSARY.

NAME OF STOCKHOLDER	HOME ADDRESS	DATE & PLACE OF BIRTH	U.S. CITIZEN?		NO. OF SHARES OF STOCK HELD
			YES	NO	
A. NAME Jose G. Nunez	726 Lechauwicky Avenue Fountain Hill, PA 18015	1/23/1973 Mexico	✓		
B. NAME Rafaela Nunez	726 Lechauwicky Avenue Fountain Hill, PA 18015	10/24/1976	✓		
C. NAME					
D. NAME					
E. NAME					
F. NAME					

**APPLICATION FOR
RETAIL LIQUOR OR RETAIL DISPENSER
LICENSE AND PERMITS**

17. Is a management company employed or otherwise contracted to operate, manage or otherwise supervise all or part of the operation?

YES NO

If yes, list the name and address of the entity: _____

NAME OF MANAGER	HOME ADDRESS	DATE & PLACE OF BIRTH	U.S. CITIZEN?	
			YES	NO
Darryl L. McElroy	715 North Street Emmaus, PA 18049	5/26/1965 Allentown, PA	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. CONVICTION RECORD: The following is a record of all felony and misdemeanor convictions of the individual owner, all partners, all members, the manager and all corporate officers, directors and stockholders. (Attach separate sheet, if necessary.)
If there have been no such convictions, check here: No such convictions

NAME	DATE OF CONVICTION	CHARGE	DISPOSITION	LOCATION OF COURT (COUNTY AND STATE)

20. Neither the applicant nor any member, officer, director, stockholder, agent or employee has any financial interest, either directly or indirectly, in any other class of license or permit issued by this Board, or in the ownership, leasehold, or equipment, of any property used by such other licensee or permittee, or mortgage lien against the same, nor have they loaned any money, or given credit, or anything of value, for equipping, maintaining or conducting an establishment used in such other license or permit, except as follows:

No exceptions

21. No person having any financial interest as an individual, or as a member, officer, director, stockholder, agent or employee in another class of license or permit issued by this Board will be in any manner interested, either directly or indirectly, in the business proposed to be licensed under this application, or in the ownership or leasehold of the property or equipment to be used in the operation of the said business, or any mortgage lien against the same, nor have they loaned any money, or given credit, or anything of value, to the applicant, or any member, officer, director, stockholder, servant, agent or employee of said applicant, for equipping, maintaining or conducting this business, except as follows:

No exceptions

22. None of the applicants hold any public office involving the enforcement of penal laws, or penal ordinances or resolutions, except as follows:

No exceptions

23. The building to be licensed is not located within 300 feet of any church, school, hospital, public playground or charitable institution, except as follows:

No exceptions

24. If an application for continuing care retirement facility, list the number of residents over the age of 62, N/A and the total number of residents N/A.

25. PREMISES TO BE LICENSED

A. LIST COMPLETE INFORMATION FOR EVERY ROOM WHICH IS TO BE USED IN THE OPERATION OF THE LICENSED BUSINESS, INCLUDING A SEPARATE KITCHEN, IF ANY, AND AREA TO BE USED FOR STORAGE OF ALCOHOLIC BEVERAGES.

ROOM		LOCATED ON WHAT FLOOR	SEATING CAPACITY	DESIGNATE USE: SERVING, KITCHEN OR STORAGE
WIDTH	LENGTH			
TBA	TBA			

B. IF HOTEL LICENSE, NUMBER OF PERMANENT BEDROOMS AVAILABLE FOR GUESTS

N/A

C. OCCUPANCY OF REMAINDER OF BUILDING

26. No other type of business licensed by the Liquor Control Board is conducted in the building, except as follows:

No exceptions

27. A placard, PLCB-1296, Public Notice of Application Alcoholic Beverages, was posted on (DATE) _____ in a conspicuous place on the outside of the premises as required by the Liquor Code and Regulations of the Board, and will remain posted until a notice of approval or refusal is received by the applicant.

I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904 and 47 P.S. §4-403(h) and/or §4-436(j), that the foregoing answers and statements provided herein are true and complete to the best of my knowledge and belief.

SIGNATURE	TITLE	NAME OF ATTORNEY REPRESENTING YOU IN THIS MATTER, IF ANY	
	Member	Theodore J. Zeller III, Esquire	
HOME ADDRESS	PHONE	ADDRESS	PHONE
726 Lechauwicky Avenue	(484) 426-1633	1611 Pond Road	(610) 391-1800
Fountain Hill, PA 18015		Suite 300	
		Allentown, PA 18104	
SIGNATURE	TITLE		
HOME ADDRESS	PHONE		
PREMISES PHONE NO.			
E-MAIL ADDRESS	DATE SIGNED		

AFFIDAVIT OF COMPLIANCE

**REGARDING NOTICE POSTING AS REQUIRED BY
PENNSYLVANIA LIQUOR CODE AND BOARD REGULATIONS**

License Number R-7324 LID #: TBA
Applicant Publik House, LLC
Address of Premises 123 W. 4th Street
Bethlehem, PA 18015
(ZIP CODE)

Type of Application:

- New with an Amusement Permit
- New without an Amusement Permit
- Transfer with an Amusement Permit
- Transfer without an Amusement Permit
- Extension
- Change of Officers

The undersigned applicant for a license action concerning alcoholic beverages, Jose G. Nunez, Member, swears or affirms that a "Public Notice of Application" has been and will be continuously and conspicuously posted on the premises for which the license action is applied, in the manner prescribed by the Liquor Code and Board Regulations, from the date the application was filed with the Board, (INSERT DATE).

(SIGNATURE)

(SIGNATURE)

(SIGNATURE)

The foregoing statements are provided under penalty of perjury, 18 Pa. C.S.A. §4903 and §4904, and 47 P.S. §4-403(h) and/or §4-436(j).

This affidavit must be submitted in conjunction with each new, transfer, or extension application and any notice of change in officers or stockholders constituting a change of corporate control. New and transfer applications for retail licenses, except clubs, performing arts and public venues, must indicate if the transaction includes an amusement permit. The "Public Notice of Application" must be posted on the date the application or notice is filed and must remain posted until the application has been approved or refused by the Board.

This affidavit must be executed by the same person or persons who signed the application or notice. If the applicant is a corporation, the corporate officer(s) who signed the application of notice shall execute this affidavit by affixing the same signature(s) and title(s) hereon. If the applicant is a limited liability company, the member(s) who signed the application of notice shall execute this affidavit by affixing the same signature(s) hereon.

NOTE: If the transfer of controlling interest in a corporation affects more than one license, EACH LICENSED PREMISES must be properly posted.

List additional license numbers here: _____