

2-17-1993

## Chinese Gourmet, Inc. V. Pennsylvania Liquor Control Bd.

Westlaw

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620 A.2d 1096


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533 Pa. 129  
Supreme Court of Pennsylvania.

In re CHINESE GOURMET, INC., Appellant,  
v.  
PENNSYLVANIA LIQUOR  
CONTROL BOARD, Appellee.


Argued Sept. 25, 1992.  
|  
Decided Feb. 17, 1993.

### Synopsis

Liquor Control Board denied application for double transfer (person to person and place to place) of beer distributor's license. The Court of Common Pleas of Allegheny County, Nos. S.A. 289 and 454 of 1988, Alan S. Penkower, J., reversed Board decision, and Board appealed. The Commonwealth Court, No. 2576 and  2577 C.D. 1988, 135 Pa.Cmwlth. 303, 580 A.2d 917, reversed. Appeal was taken. The Supreme Court, Nos. 38 and 39 W.D. Appeal Docket 1991, Flaherty, J., held that Liquor Control Board erred in exercising its discretion to deny application without any statutory basis.

Reversed and remanded.



West Headnotes (2)

[1] **Administrative Law and Procedure**  Review for arbitrary, capricious, unreasonable, or illegal actions in general

15A Administrative Law and Procedure  
15AIV Judicial Remedies and Review  
15AIV(G) Review  
15AIV(G)3 Scope and Extent of Review in General  
15Ak1743 Review for arbitrary, capricious, unreasonable, or illegal actions in general (Formerly 15Ak763)

When administrative agency acts without statutory authority, reviewing court may reverse on that ground.

1 Cases that cite this headnote

[2] **Alcoholic Beverages**  Discretion of licensor  
**Alcoholic Beverages**  Transfer proceedings

23H Alcoholic Beverages  
23HII Control and Regulation  
23HII(F) Licenses  
23HII(F)5 Transfer  
23Hk432 Grounds, Factors, and Considerations  
23Hk435 Discretion of licensor

(Formerly 223k103(2) Intoxicating Liquors)

23H Alcoholic Beverages  
23HII Control and Regulation  
23HII(J) Proceedings Concerning Control and Regulation  
23HII(J)3 Trial or Hearing  
23Hk606 Findings and Conclusions  
23Hk610 Transfer proceedings

(Formerly 223k103(4) Intoxicating Liquors)

Liquor Control Board erred in exercising its discretion to deny application for double transfer (person to person and place to place) of beer distributor's license without any statutory basis; Board stated only that it was not satisfied that applicant was qualified to be officer of corporation licensed by Board and that was not a finding that applicant was not a reputable person as would be required for denial of application pursuant to statute and there was no other reference to statutory authority for denial. 47 P.S. § 4-437(c).

2 Cases that cite this headnote

### All Citations

533 Pa. 129, 620 A.2d 1096