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**Com., Pennsylvania Liquor Control Bd. V. Chinese Gourmet, Inc.**

Westlaw

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580 A.2d 917

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KeyCite Red Flag - Severe Negative Treatment

Reversed by [Chinese Gourmet, Inc. v. Pennsylvania Liquor Control Bd.](#), Pa., February 17, 1993

135 Pa.Cmwlth. 303  
Commonwealth Court of Pennsylvania.

COMMONWEALTH of Pennsylvania,  
PENNSYLVANIA LIQUOR  
CONTROL BOARD, Appellant,  
v.  
CHINESE GOURMET, INC., Appellee.

Argued June 12, 1990.

|

Decided Sept. 27, 1990.

### Synopsis

Liquor Control Board denied application to transfer liquor distributor license. On appeal, the Court of Common Pleas, Allegheny County, Nos. S.A. 289 of 1988 and 454 of 1988, Alan S. Penkower, J., reversed decision of Board, and Board appealed. The Commonwealth Court, Nos. 2576 & 2577 C.D. 1988, [Doyle](#), J., held that applicant was not entitled to transfer of liquor license; because of revocation of license from business which he was sole principal, he was not reputable person under statute and not eligible to receive license originally.

Court of Common Pleas reversed, decision of Liquor Control Board reinstated.

West Headnotes (2)

### [1] [Alcoholic Beverages](#) [Transfer proceedings](#)

[23H](#) Alcoholic Beverages  
[23HII](#) Control and Regulation

[23HII\(J\)](#) Proceedings Concerning Control and Regulation

[23HII\(J\)6](#) Judicial Review

[23Hk660](#) Scope, Standard, and Extent of Review

[23Hk664](#) Transfer proceedings

(Formerly 223k103(5) Intoxicating Liquors)

Scope of review of trial court in liquor license transfer case, as distinguished from license revocation case, is limited to inquiry as to whether Liquor Control Board abused its discretion, unless evidence is presented to court which is different from that which was before Board, and court makes different findings accordingly. [47 P.S. § 4-468](#).

### [2] [Alcoholic Beverages](#) [Grounds, Factors, and Considerations](#)

[23H](#) Alcoholic Beverages

[23HII](#) Control and Regulation

[23HII\(F\)](#) Licenses

[23HII\(F\)5](#) Transfer

[23Hk432](#) Grounds, Factors, and Considerations

[23Hk433](#) In general

(Formerly 223k103(2) Intoxicating Liquors)

Applicant was not entitled to have liquor license transferred to it; statute forbid transfer of license to corporation or person who would not have been eligible to receive license originally, and applicant's principal had been sole principal of distributor when liquor violation citation was issued to it resulting in revocation of its license, so that he could be found to not be a reputable person. [47 P.S. §§ 4-437, 4-468](#).

### All Citations

135 Pa.Cmwlth. 303, 580 A.2d 917