

July 11, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

**AMENDED
ADVISORY OPINION**

Jody Sweitzer

RE: Artwork Display

Dear Ms. Sweitzer:

ISSUE: This is in response to your correspondence wherein you advise that you recently received communication from a law enforcement officer with the Bureau of Liquor Control Enforcement, in which you were informed that you were in violation of the Liquor Code for displaying artwork for sale in your establishment. You further explain that at your licensed premises, the artwork of local artists is displayed, along with information about the artist and contact information for purchase of the artwork. You emphasize that your licensed establishment does not participate in any transactions relating to the sale of the artwork, and all financial transactions for the artwork occur offsite, between the individual artist and the buyer. You further advise that your licensed establishment receives no proceeds, commission, or other financial benefit from the display or sale of the artwork. You request permission from the Board to continue to display the artwork of local artists in the same manner as you have done.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Soilent Francine’s, LLC of Philadelphia, Pennsylvania, holds Restaurant Liquor License No. R-9048 (LID 65706) for the premises located at 347-349 South 13th Street, Philadelphia, Pennsylvania.

OPINION: Please be advised that section 3.52(c) of the Board’s Regulations provides that a licensee may not conduct another business on the licensed premises without Board approval. [40 Pa. Code § 3.52(c)]. However, the Board has historically approved requests by retail licensees to display artwork on their licensed premises. Therefore, it is permissible for you to continue displaying artwork on your licensed premises. You do not need another license to do so.

Should you have any further questions or concerns, please do not hesitate to again contact this office.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 14-403