

October 13, 2015

Eugene Proch
University Wine Company
VIA E-MAIL: epproch@gmail.com

Re: Limited Winery Additional Location

Dear Mr. Proch:

ISSUE: This is in response to your e-mail dated September 3, 2015, wherein you advise that you are exploring the possibility of an additional location for your winery in a restaurant that does not hold a liquor license. You advise that the restaurant owner and the building owner have no interest in any licensed entity. You ask if a large display cabinet with lockable doors would satisfy the requirements of the regulations. You describe the cabinet as covering approximately six to ten (6-10) square feet of floor space in the restaurant, and that it would be similar to an armoire in appearance. You ask if a four (4) foot high wall around the cabinet would still be required.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that University Wine Company, LLC, holds Limited Winery License No. LK-312 (LID 64525) for the premises at 467 Harmony Church Road, Belle Vernon, Pennsylvania.

OPINION: The sale of alcohol is illegal in Pennsylvania unless the entity selling the alcohol has a license or permit from the Board. [47 P.S. § 4-491(1), 4-492(2),(3)]. Please note that licenses and permits are assigned to specifically identified locations, and that the sale of alcohol off of the licensed premises is illegal.

As you are aware, licensed limited wineries may sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) Board-approved locations other than the licensed premises. [47 P.S. § 5-505.2(a)(3)]. The location must be enclosed by soundly-constructed walls, with controlled points of access and egress directly accessible to the general public from a public thoroughfare, and all portions of the premises must be contiguous. [40 Pa. Code § 3.64(a)(3), (5)]. Additionally, a manager must be appointed for the additional location. [40 Pa. Code § 3.64(a)(4)].

A cabinet covering six to ten (6-10) square feet of floor space cannot serve as an additional Board-approved location by itself, which your message suggests. The square footage is too small to allow for sales on the licensed premises, which is presumed to be the cabinet itself and nothing more. Moreover, a cabinet does not allow for “controlled points of access and egress directly accessible to the general public from a public thoroughfare,” as required by the Board’s Regulations.

The cabinet could be included in a larger area, as long as that larger area met all of the requirements set forth in the Board’s Regulations.

Should you have any other questions and/or issues related to the Liquor Code or the Board’s Regulations, please feel free to once 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. 15-434