

February 9, 2016

John Fitzgerald Traynor
VIA E-MAIL

RE: Request to Sell Arts

Dear Mr. Traynor:

ISSUE: Your recent undated letter to the Pennsylvania Liquor Control Board (“Board”) requests permission to sell “Arts” from your premises. You further explain that your establishment promotes local and regional artists. You propose to display art work on a rotating basis. You would not charge artists, but would take a small fee if an artist wants you to process a sale via credit card.

Records of the Board indicate that Bartlett, Traynor & London, LLC holds Restaurant Liquor License No. R-4643 (LID 61720) for use by it at premises located at 1110 North Third Street, Harrisburg, Pennsylvania.

OPINION: A licensee may not permit other persons to operate another business on the licensed premises. [40 Pa. Code § 3.52(a)]. Therefore, it would not be permissible for you to sell “Arts” from your licensed premises as described in your correspondence.

A licensee may not conduct another business on the licensed premises without Board approval. [40 Pa. Code § 3.52(c)]. Should you wish to sell “Arts” yourself, you may request Board permission.

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

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BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE
PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

RODRIGO J. DIAZ
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. 15-534