

July 21, 2016

Frank Huynh
VIA E-MAIL

RE: Promotional Event

Dear Mr. Huynh:

ISSUE: This office is in receipt of your e-mail of June 15, 2016, wherein you advise that you are the holder of an eating place retail dispenser license (“E license”). You were approached by a promotion company about holding an event at your venue to give out promotional liquor bottles. The event would be held in your parking lot, which is unlicensed. You ask if patrons could bring beer from your premises outside to the parking. You inquire if this is permissible. Additionally, you inquire if a disc jockey (“DJ”) would be a violation of your conditional licensing agreement.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that T&F Rising Sun Deli, Inc., holds Eating Place Retail Dispenser License No. E-632 (LID 66860) for use by it at premises located at 7235-7237 Rising Sun Avenue, Philadelphia, Pennsylvania. PLCB records further indicate that Frank Huynh is the President and PLCB-approved manager of T&F Rising Sun Deli, Inc.

OPINION: The scenario you described would be impermissible. Section 492(13) of the Liquor Code prohibits eating place retail dispenser licensees from possessing or permitting the storage of any alcohol or liquor on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises. 47 P.S. § 4-492(13) (emphasis supplied). Consequently, the possession/storage of alcohol by the promotion company in your parking lot would be prohibited.

With regards to your CLA, paragraph 5(h) of the CLA prohibits you from having an amusement permit (“AP”). An AP would be required for you to have entertainment at the premises, including a DJ. Likewise, paragraph 5(k) prohibits you from having

amplified music or live music on the premises. A DJ would be considered amplified music.

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

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-251