

August 19, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Noelle Baker
Forsteph LLC
t/a Fatboy's Saloon
12714 Dicksonburg Road
Conneautville, PA 16406-1522

RE: Golf Scramble & Corn Hole Tournament

Dear Ms. Baker:

ISSUE: This office is in receipt of your e-mail dated July 3, 2013, wherein you ask whether, as the owner of a small bar, it would be permissible for you to host a golf scramble in early October to benefit "Toys 4 Tots," an organization for which you annually raise money. You advise that each golfer would pay a fee to enter the competition at a local golf course, and all money collected would go toward prizes and the "Toys 4 Tots" organization. You also ask whether you can host a corn hole tournament with entry fees benefitting the same organization. You clarified by phone that no alcohol would be awarded as prizes and that your bar would not sell any alcohol for off-premise consumption in conjunction with either event.

Records maintained by the Pennsylvania Liquor Control Board ("Board") indicate that Forsteph, LLC, t/a Fatboy's Saloon, holds Restaurant Liquor License No. R-18207 (LID 58239) for premises located at 12714 Dicksonburg Road, Conneautville, Pennsylvania.

OPINION: With regard to the golf scramble at a local golf course, there is nothing in the Liquor Code or the Board's Regulations which would prohibit you from being the "host" of such an event, given that you clarified that your bar does not intend to sell or provide alcohol for off-premise consumption or at the golf course. Additionally, although section 5.32 of the Board's Regulations contains various limitations on events, tournaments or contests, such limitations would only be applicable to the scramble if the golf course is also licensed. [40 Pa. Code § 5.32].

With regard to the corn hole tournament, which you have indicated may occur on licensed premises, section 5.32 of the Board's Regulations [40 Pa. Code § 5.32]

allows retail licensees to hold self-sponsored events, tournaments or contests on their licensed premises. Events, tournaments and contests are defined as “a competitive endeavor involving skill, speed, strength or endurance,” and may involve physical attributes of contestants.” [40 Pa. Code § 5.30]. Events, tournaments, and contests sponsored by the licensee are subject to the following rules: there may be no unlawful gambling directly or indirectly associated with the event, tournament, or contest; there may be no alcohol consumption as part of the event, tournament, or contest; the price of admission may not include a charge for or entitle the participant to receive an alcoholic beverage. [40 Pa. Code § 5.32(e)].

Self-sponsored means paid for and carried out by the licensee. It would not be permissible for a third party to conduct such events, tournaments or contests. However, retail licensees may permit events on the licensed premises sponsored by groups constituting a league, or events for the benefit of, and officially sponsored by, *bona fide* charitable organizations that are qualified, approved by and registered with the Department of State and operated under 49 Pa. Code Part I, Subpart B (relating to charitable organizations). [40 Pa. Code §§ 5.32(d)(3)-(4)(i)]. A charitable organization event must be operated in accordance with the Solicitation of Funds for Charitable Purposes Act [10 P.S. §§ 162.1-162.24] and, if applicable, the Local Option Small Games of Chance Act [10 P.S. §§ 311-327] and the Bingo Law [10 P.S. §§ 308-308.1]. [40 Pa. Code § 5.32(d)(4)(ii)].

It should be noted that gambling activities, while unlawful generally, may be considered to be lawful if conducted by an entity that holds a small games of chance permit. You may wish to contact the County Treasurer or the Pennsylvania Department of Revenue, Miscellaneous Tax Division at (717) 787-8275 to determine what activities are permissible with such a permit and what the prize limits are. You may also wish to contact local police, district attorney, or the Pennsylvania State Police for guidance as to what constitutes unlawful gambling.

Finally, as you know, alcohol may not be awarded as a prize or part of a prize for any event, tournament, or contest on licensed premises. [40 Pa. Code § 5.32(h)].

If you have any additional questions regarding the Liquor Code or the Board’s Regulations, please feel free 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

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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. 13-387