

November 19, 2013

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Josephine Miller
Concordia Maennerchor

RE: Catering Club Service to Non-Members

Dear Ms. Miller:

ISSUE: This is in response to your e-mail of October 17, 2013, wherein you state that your licensed establishment is seeking clarification as to service to non-members from a bar at your premises that is designated for members. Your premises is located on the upper level of a building and includes a hall with a bar accessible to non-members, a main bar used for members, and a kitchen. You are hosting an event in January which non-member guests will be permitted to attend.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Concordia Maennerchor holds Catering Club License No. CC-1338 (LID 904) for the premises located at 684 Pearl Street, Easton, Pennsylvania.

OPINION: The use of the physical bar itself is not at issue; but the service to non-members must be in compliance with the below-mentioned code/regulations, and in compliance with the constitution and bylaws of your club.

Section 406 of the Liquor Code provides that no club liquor licensee, nor its officers, servants, agents or employees, other than one holding a catering club liquor license, shall sell any liquor or malt or brewed beverages to any person except a member of that club. [47 P.S. § 4-406(a)]. A catering club licensee, such as Concordia Maennerchor, may, however, sell alcohol to groups of non-members at catered events held on the licensed premises. [47 P.S. § 4-401(b)].

As you may know, catered events are those involving the furnishing of liquor or malt or brewed beverages, or both, to be served with food prepared on the premises, or brought onto the premises already prepared, for the accommodation of groups of non-members who are using the facilities at the club by prior

arrangement made at least twenty-four (24) hours in advance of the time of the function and which are paid for by the non-members. [40 Pa. Code § 5.83]. Please note that a licensee may not self-sponsor a catered event. The catered event must be conducted by a third party, although the third party can be a member of the club.

There is no limit to the number of catered events that may be held at the catering club's licensed premises, so long as each event meets the definition of a catered event set forth above. There are **no** other exceptions allowing the service of alcohol to non-members by a catering club licensee found in the Liquor Code or the Board's Regulations. Records must be kept showing the date and time catering arrangements were made, the name of the person or the organization making the arrangements, and the approximate number of persons to be accommodated. [40 Pa. Code § 5.83(b)]. The catering club cannot self-sponsor a catered event.

During a catered event, non-members may purchase alcoholic beverages and consume them anywhere on the licensed premises. However, after the catered event has ended, non-members are no longer permitted to purchase alcoholic beverages, although members may purchase alcoholic drinks for non-members.

If the event you are hosting is not a catered event, please note that the prohibition on selling alcohol to non-members does not, however, preclude a club from being open to the public (i.e., non-members) for the sale of food and non-alcoholic beverages alone. There is nothing in the Liquor Code or the Board's Regulations that would require a club licensee to make a self-sponsored event, tournament, or contest private such that it is open only to members. Thus, club members would be permitted to bring a guest or guests to the club for an event, tournament, or contest, and the club may sell/serve the guests food and non-alcoholic beverages. However, non-members cannot purchase alcoholic beverages; alcoholic beverages must be paid for by the club members.

Additionally, it is important to note that, section 5.81 of the Board's Regulations requires that a club licensee adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. If your club's constitution or bylaws have additional restrictions with regard to guests attending self-sponsored events, tournaments, and contests at the licensed premises, the club would also need to adhere to those restrictions.

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

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