

June 20, 2014

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**AMENDED ADVISORY
OPINION NUMBER**

Timothy Thomas
Circleville Volunteer Fire Company and
Relief Association of North Huntingdon
E: Club Catering License Events

Dear Mr. Thomas:

ISSUE: This is in response to your e-mail dated May 28, 2014, in which you inquire whether guests of a catering club licensee must purchase an admission ticket in advance to an event at the social hall in order to participate in an “open bar” serving “brewed beverages, wine, and non-alcoholic,” or whether those guests may purchase a ticket at the door at the time of the event.

Pennsylvania Liquor Control Board (“Board”) records indicate that you are the Manager/Steward of Circleville Volunteer Fire Company and Relief Association of North Huntingdon, located at 129 Robbins Station Road, North Huntingdon, Pennsylvania, which holds Catering Club License No. CC-06214 (LID 26129).

OPINION: You indicate that your organization hosts a “couple night of races and gun bashes every year” and you want to know whether the open bar offered on those nights requires that guests purchase tickets in advance or whether guests may purchase tickets to the event at the door and partake in the open bar.

Be advised that section 13.102 of the Board’s Regulations [40 Pa. Code § 13.102(a)(3)] prohibits the sale and/or service of an unlimited or indefinite amount of alcoholic beverages for a set price. Therefore, an event where you charge a lump sum for food and drinks for a pre-determined length of time would be prohibited, except under section 13.102(b)(1), which creates an exception that permits the sale and/or service of an unlimited or indefinite amount of alcoholic beverages for a fixed price for catered events at retail licensed establishments that have been arranged at least twenty-four (24) hours in advance. [40 Pa. Code § 13.102(b)(1)]. A licensee may not self-sponsor a catered event. The catered event must be conducted for a third party, although the third party can be a member of the club. There are no other exceptions for a catering club licensee to allow

an open bar or unlimited drinks for a lump sum to its members under the Liquor Code or the Board's Regulations. Note that 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, may, however, sell alcohol to groups of non-members at catered events held on the licensed premises. [47 P.S. § 4-401(b)].

The Liquor Code is silent on the method and timing of ticket sales for club licensee's events, whether or not they include an open bar. Your organization may sell tickets to "night at races and gun bashes" in advance or at the door, as long as the sale comports with your club's constitution and bylaws and is in conjunction with a catered event. Please note that you may not serve or furnish alcohol to minors or visibly intoxicated persons.

In closing, if you have any further questions or concerns regarding this matter or the Board's Regulations, please do not hesitate 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 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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