

March 14, 2014

Telephone: (717) 783-9454

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Dale K. Ketner, Esquire

**RE: Wine Sales by PGR Licensee**

Dear Mr. Ketner:

ISSUE: This is in response to your e-mail dated February 4, 2014, in which you indicate that you represent PAC Entertainment, Inc. (“PAC”), a new privately-owned public golf course (“PGR”) licensee. PAC would like to host functions highlighting local produce and wines in meals to be served in connection with these functions. You ask whether PAC may purchase the wines directly from wineries, for PAC’s sale at its licensed premises, and you note that the wineries would not be involved in the functions beyond selling wine to PAC. It will be assumed for purposes of this response that you are referring to events such as are commonly referred to as “pairings” or “wine tasting dinners.”

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that PAC Entertainment Inc. holds Privately-Owned Public Golf Course License No. PGR-287 (LID 69046) for use by it at premises located at 1724 State Route 25, Millersburg, Pennsylvania.

OPINION: A PGR license is a restaurant liquor license for a privately-owned public golf course. Such a license is applicable to restaurant facilities at a privately-owned golf course open for public accommodation. [47 P.S. § 4-461(e.1)]. A PGR license permits the sale of liquor (including wine) and malt or brewed beverages between 7:00 a.m. and 2:00 a.m. for consumption on the premises, but no sales on Sunday unless a Sunday sales permit is held. It also permits the sale of malt or brewed beverages to a person for consumption off the licensed premises if not exceeding one hundred ninety-two (192) fluid ounces in a single sale. Section 406(e) of the Liquor Code allows the holder of a restaurant or club license located on a golf course to sell, furnish, or give alcoholic beverages on

unlicensed portions of the golf course as long as the alcoholic beverages remain on the golf course, restaurant or club premises. [47 P.S. § 4-406(e)].

Regarding PAC's procurement of wines, please note that it is unlawful for anyone in Pennsylvania to possess wine not acquired from a Pennsylvania wine and spirits store, a sacramental wine dealer, or a licensed limited winery. [47 P.S. §§ 4-488, 4-491(2), 5-505.2, 5-505.4]. A licensed limited winery is entitled to sell and ship the wine that it produces directly to Pennsylvania residents and other retail licensees of the Board, such as restaurants. [47 P.S. §§ 5-505.2]. Transportation of the lawfully purchased wine must be via a licensed transporter-for-hire or in the limited winery's properly registered vehicle, and not by the purchasing licensee. [47 P.S. §§ 5-505.2; 40 Pa. Code § 11.111]. No additional permits are required to deliver the wine.

From your description of the proposed wine and meal functions, PAC will purchase the wines from licensed limited wineries for service by PAC to PAC's patrons. That is, PAC is not proposing a wine exposition or tasting events, as either of those events is set forth in the Liquor Code and Board's Regulations. [See e.g., 47 P.S. § 5-505.2(4) regarding wine expositions, and 40 Pa. Code § 13.201 and 40 Pa. Code § 13.211(b) regarding tastings]. There is nothing in the Liquor Code or the Board's Regulations that would prohibit PAC from offering an entire dinner, including lawfully procured wine, for a set price that does not discount either the food or the wine. PAC could, however, discount the wine if the discount pricing practices (e.g., happy hour and daily drink special) are followed. It must be noted, however, that PAC may not sell wine for off-premises consumption. [47 P.S. § 4-406(a.1); 40 Pa. Code § 7.21(a)].

Finally, you may wish to refer to the searchable database of Advisory Opinions issued by this office. That database can be located on the Board's website at [www.lcb.state.pa.us](http://www.lcb.state.pa.us), then click "Legal," and then "Advisory Opinions." You will find many Opinions that are on point or generally instructive to you and your client.

**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,

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. 14-080