

April 16, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Harry Reabuck
Board of Governors
Citizen's Fire Company #2

Re: Small Games of Chance

Dear Mr. Reabuck:

ISSUE: This is in response to your e-mail sent on April 8, 2014, wherein you advise that your club has a license issued pursuant to the Local Option Small Games of Chance Act ("SGOC"). You ask if it is legal for a club to charge a fee to sign into a book, then at random times draw a member's name, and if the member is present, the member wins money. You are aware of other clubs in the area who are doing this, and if you are also permitted to do so, you ask if you are required to pay out the entire proceeds of the money that is collected.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Citizens Fire Co. No. 2, Inc., holds Catering Club Liquor License No. CC-3154 for the premises at 1017-21 Pennsylvania Avenue, Emmaus, Pennsylvania.

OPINION: This office's authority to issue Advisory Opinions is set forth in section 211.1 of the Liquor Code, which provides that "Upon written request by a licensee, the board or its counsel shall issue a legal opinion regarding any subject matter relating to *this act* or any regulation promulgated pursuant to it. This legal opinion shall be binding on the enforcement bureau." [47 P.S. § 2-211.1 (emphasis added)]. Because of this statute, this office is only permitted to render legal opinions regarding the Liquor Code or the Board's Regulations.

Although the Pennsylvania State Police, Bureau of Liquor Control Enforcement enforces the Liquor Code as well as the SGOC, please note that the Board regulates only the Liquor Code, not the SGOC. The interpretation of the SGOC falls outside of the scope of the Board's authority.

Therefore, you may wish to contact the Bureau at (800) 932-0602, or your County Treasurer's Office, and/or Revenue's Miscellaneous Tax Division, at (717) 787-8275 with your questions about SGOC and drawings.

Also, please note that Revenue has information for club licensees on its website: http://www.revenue.state.pa.us/portal/server.pt/community/eligible_organizations_and_club_licensees/21623.

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

LCB Advisory Opinion No. 14-145