

April 18, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Myron DeWitt

Re: Club Bingo

Dear Mr. DeWitt:

ISSUE: This is in response to your e-mail dated March 4, 2014, wherein you state that you are writing on behalf of a club licensee that serves members and guests. The club wishes to conduct bingo on the second floor, which is part of the licensed premises. You ask whether it would be permissible for bingo participants who are club members or guests to go downstairs to the bar, buy alcoholic beverages, and bring such alcoholic beverages upstairs. You also ask whether it would be permissible for the club to serve members and guests while they are playing bingo.

OPINION: Initially, as you know, generally non-members cannot purchase alcohol at a club. Section 406(a)(1) of the Liquor Code provides that “[n]o club licensee nor its officers, servants, agents or employees, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club.” [47 P.S. § 4-406(a)(1)].

Catering club patrons may purchase alcoholic beverages from the club, even if they are non-members, as long as they are present on the licensed premises as part of a catered event. A catered event is one 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 accommodation of groups of non-members who are using club facilities by prior arrangement, made at least twenty-four (24) hours in advance of the function, and which is paid for by the non-members. [40 Pa. Code § 5.83(a)]. Records must be kept showing the date and time the catering arrangements were made, the name of the person or organization making the arrangements, and the number of persons to be accommodated. [40 Pa. Code § 5.83(b)]. A club cannot self-sponsor a catered event.

These prohibitions on selling alcohol to non-members do not, however, preclude a club member from purchasing alcoholic beverages for non-member guests; nor do they preclude the non-member from being served alcohol purchased by a club

member. Additionally, there is nothing in the Liquor Code or the Pennsylvania Liquor Control Board (“Board”) Regulations that prohibits a club from being open to the public (i.e., to non-members) for the sale of food and non-alcoholic beverages anywhere on its licensed premises.

However, the Board’s Regulations require that the operations of a licensed club must conform to the club’s constitution and bylaws at all times. [40 Pa. Code § 5.81]. If the club’s constitution or bylaws contain any provision prohibiting the service of alcoholic beverages to non-members, then the club must adhere to those restrictions. Likewise, if the club’s constitution or bylaws prohibits the operation of a cash bar at fundraising events, the club must adhere to those restrictions.

Therefore, please be advised that there is nothing in the Liquor Code or the Board’s Regulations which would specifically prohibit club members from purchasing alcoholic beverages at the bar and then taking such alcoholic beverages with them to other parts of the licensed premises. Similarly, unless your club’s constitution or bylaws state otherwise, there is nothing that would prohibit a club member from purchasing alcoholic beverages for, or serving, non-member guests.

With regard to bingo, please be advised that the Board is not authorized to interpret the Bingo Law [10 P.S. §§ 301-308.1]. Therefore, it is recommended that you contact your County Treasurer’s Office and/or the Department of Revenue, Miscellaneous Tax Division, at (717) 787-8275, with any bingo questions. You may also wish to contact the Bureau of Liquor Control Enforcement, at (800) 932-0602, as it enforces such laws and the Liquor Code.

Please feel free to again contact this office if you have any further questions regarding this matter, the Liquor Code, or the Board’s Regulations.

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.

Myron DeWitt
April 18, 2014
Page 3

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. 14-160