

April 18, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Bernard Huseth, Commander
American Legion Post 442

Re: Community Darts League

Dear Mr. Huseth:

ISSUE: This office is in receipt of your e-mail of March 25, 2014, in which you ask whether members of American Legion Post 442, which you command, may participate in a rotating darts league with tournament events at various licensed establishments. Specifically, as some team members would not be members of American Legion Post 442, you ask whether such it would be permissible to allow such non-members into your club in order to participate in the darts tournament.

Pennsylvania Liquor Control Board's ("Board") records indicate that Remembrance Post No. 442 of the American Legion Home Association is the holder of Club Liquor License No. C-4336 (LID 1992) for use by it at premises located at 628 Erie Avenue, Renovo, Pennsylvania.

OPINION: Section 5.32 of the Board's Regulations [40 Pa. Code § 5.32] permits retail licensees, such as hotels, to hold self-sponsored events, tournaments, or contests on their licensed premises. Self-sponsored means paid for and carried out by the licensee. Events, tournaments and contests are defined as "a competitive endeavor involving skill, speed, strength or endurance. The term includes a competitive endeavor involving physical attributes of contestants." [40 Pa. Code § 5.30]. Such events, tournaments, and contests are subject to the following rules: there may not be any unlawful gambling associated with the event, tournament, or contest; there may not be any consumption of alcohol by participants as part of the event, tournament, or contest; the price of admission may not include a charge for or entitle the participant to receive an alcoholic beverage. [40 Pa. Code § 5.32(e)]. In addition, please be advised that the value of all prizes awarded may not exceed one

thousand dollars (\$1,000.00), and the maximum weekly prize limit in a seven (7)-day period is twenty-five thousand dollars (\$25,000.00). [40 Pa. Code § 5.32(e)(7)].

Therefore, so long as these conditions for self-sponsored events, tournaments and contests are met, it would be permissible to host a darts tournament at your club.

A club member may bring a guest or guests to the club, and the club may sell/serve the guests food and non-alcoholic beverages. However, if the guests wish to order alcoholic beverages, the beverages must be purchased by and paid for by the club member, since non-members are not permitted to purchase alcoholic beverages. 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)(1)]. In other words, a person must generally be a member of the club in order to purchase alcoholic beverages on its licensed premises; non-members generally cannot purchase alcohol at a club.

Accordingly, although there is nothing in the Liquor Code or the Board's Regulations that would prohibit your club from allowing non-members into your club in order to participate in a darts tournament or any similar club activities, such non-members would not be permitted to purchase alcoholic beverages at the club.

Finally, please be advised that section 5.81 of the Board's Regulations requires a club licensee to adhere to the provisions of its constitution and/or bylaws. [40 Pa. Code § 5.81]. Therefore, if your club's constitution and/or bylaws have rules pertaining to participation by non-members, then those rules must be followed.

If you have any further questions or concerns regarding the Liquor Code or the Board's Regulations, please feel free 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.

Bernard Huseth
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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. 14-161