

May 14, 2014

Telephone: (717) 783-9454

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John Consugar

**Re: Special Occasion Permit Application**

Dear Mr. Consugar:

ISSUE: This is in response to your e-mail sent on April 2, 2014, wherein you ask whether there are different one (1)-day special occasion permits for liquor and beer sales, or whether a special occasion permit allows both liquor and beer sales. If the permits are different, you ask whether there are differences in application or cost.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that you are president, stockholder, and manager/steward for Vito, Inc., which holds Restaurant Liquor License No. R-2010 (LID 57683) for use by it at premises located at 115 Sunbury Street, Minersville, Pennsylvania.

OPINION: Section 408.4 of the Liquor Code allows the Board to issue special occasion permits (“SOP”) to certain eligible entities. [47 P.S. § 4-408.4]. These entities are listed in detail in the Liquor Code, but generally fall into categories such as certain non-profit (501(c)(3)) entities, fire and ambulance companies, nationally-chartered veterans’ groups, and the like. As a for-profit business, your business would not likely meet the definition of an eligible entity.

Entities that qualify may obtain an SOP that would authorize them to sell liquor and/or malt or brewed beverages to persons twenty-one (21) years of age or older who are not visibly intoxicated. [47 P.S. §§ 4-408.4, 4-493(1)]. SOPs are generally issued for a period of not more than six (6) consecutive or non-consecutive days during a calendar year. [47 P.S. § 4-408(i)]. The holder of an SOP may sell alcoholic beverages during the hours of 7:00 a.m. until 2:00 a.m. of the following day. [47 P.S. § 4-408.4(k)]. Please be advised, however, that if the proposed event will be conducted on licensed premises, it would be necessary for

the licensee to de-license the area to be used for the SOP, as dual licensing of a particular premises, absent specific statutory authority, is generally prohibited.

In response to your specific question, there is an SOP that permits the sale of liquor and beer as well as a “beer only” SOP for municipalities that only permit the retail sale of beer. The application and fee are the same regardless. The fee for an SOP is either thirty dollars (\$30.00) per day or eighty-five dollars (\$85.00) if an investigation of the eligible entity is required. The application and fee must be filed with a completed application form at least thirty (30) days in advance of the event. SOP application forms are available from the Board’s Bureau of Licensing (“Licensing”) at 717-783-8250, or via the Board’s website, [www.lcb.state.pa.us](http://www.lcb.state.pa.us). To download the application, select “Licensees,” then “Applications/Forms,” then “Forms,” and finally PLCB-1229.

If you are considering holding an event off of your licensed premises, you would not be eligible for an SOP, but you may be able to obtain an off premises catering permit (“OPCP”). An OPCP allows the permittee to hold a “catered function” off its licensed premises and on otherwise unlicensed premises. A “catered function” is defined as “the furnishing of food prepared on the premises or brought onto the premises already prepared in conjunction with alcoholic beverages for the accommodation of a person or an identifiable group of people, not the general public, who made arrangements for the function at least thirty days in advance.” [47 P.S. §1-102].

Please note, however, that the application for an OPCP must be filed by March 1<sup>st</sup> of the year for which it will be used; the Board has no discretion to accept an application that has been filed after this deadline. In addition, the OPCP has numerous restrictions and requirements that will not be restated here since it is unclear if this information would be of interest to you. Please feel free to contact this office for more information about OPCPs.

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

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