

May 15, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Barbara Krier
B.P.O.E. York Lodge No. 213

RE: Special Occasion Permit and Officer Duties

Dear Ms. Krier:

ISSUE: This office is in receipt of your e-mail dated April 10, 2014, in which you state that you are listed as a responsible officer on a catering club liquor license. Your organization may apply for a Special Occasion Permit (“SOP”) to sell beer at a local event held at a location other than your licensed premises. You inquire as to the duties/requirements of the responsible officer at the event, if the SOP is granted.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that B.P.O.E. York Lodge No. 213 holds Catering Club Liquor License No. CC-711 (LID 3011) for premises located at 233 North George Street, York, Pennsylvania.

OPINION: Please be advised that the holder of an SOP is authorized to sell liquor and/or malt or brewed beverages to persons of legal age on any day for which the permit is issued, and in any municipality in which the electorate has approved the sale of liquor and/or malt or brewed beverages. [47 P.S. § 4-408.4]. The holder of an SOP may sell alcoholic beverages during the hours of 7:00 a.m. until 2:00 a.m. the following day. [Id.]. The purpose of the SOP is to allow the SOP holder to raise funds. While the SOP can be used in conjunction with activities and events involving third parties, only the SOP holder may have a pecuniary interest in the SOP permit. [47 P.S. § 4-408.4(m)].

All licensees are specifically prohibited by Liquor Code section 493(1) [47 P.S. § 4-493(1)] from selling, furnishing and/or giving alcohol, and from permitting the sale, furnishing or giving of alcohol, to minors or visibly intoxicated persons. Licensees are liable and may be subject to fines and/or license suspension or revocation when alcohol is sold, furnished or given to minors or visibly intoxicated persons. In addition, the Board may refuse an application for an SOP based upon the applicant’s operational history under a prior SOP or its operational history with another license issued by the Board. [47 P.S. § 4-408.4(n)].

There is nothing in the Liquor Code or Board Regulations that requires an officer to attend or be assigned to any duties attendant to the SOP event. However, 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]. If the club's constitution and/or bylaws contain provisions pertinent to your role as an officer, then you and the club must follow those provisions.

If you have any further questions or concerns regarding this matter, the Liquor Code or the Board's Regulations, please do not hesitate 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.

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. 14-217