

June 20, 2014

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Raymond J. Tugend
Susquehanna Valley Country Club

: Country Club Sale of Alcohol to Guests During Events

Dear Mr. Tugend:

ISSUE: This is in response to your e-mail dated June 11, 2014, in which you inquire whether it is permissible to sell alcohol to club guests during events such as a concert and a holiday fireworks display.

Pennsylvania Liquor Control Board (“Board”) records indicate that Susquehanna Valley Country Club holds Catering Club License No. CC-03758 (LID 3510) for use at its premises located at One Country Club Drive, Hummels Wharf, Pennsylvania.

OPINION: You indicate that the Susquehanna Valley Country Club is hosting a concert and a holiday fireworks display which will be attended by both members and guests and you want to know whether it is permissible to sell alcohol to guests during those times.

Section 406(a) 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)]. Therefore, your club cannot generally sell alcohol to a nonmember. However, a catering club licensee, such as your club, may sell alcohol to groups of non-members at catered events held on its licensed premises. [47 P.S. § 4-401(b)]. Be advised that catered events are those 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 the accommodation of groups of non-members, who are using the facilities at the club by prior arrangement, made at least twenty-four (24) hours in advance of the time of the function, and which is paid for by the non-members. [40 Pa. Code § 5.83]. Records must be kept showing the date and time catering arrangements were made, the name of the person or organization making the arrangements, and the approximate number of persons to be accommodated. [40 Pa. Code § 5.83(b)]. A licensee may not self-sponsor a catered

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event; the catered event must be conducted for a third party, although the third party can be a member of the club.

Finally, licensees are strictly liable for violations of the Liquor Code and its attendant laws and regulations that occur on the licensed premises. Pennsylvania Liquor Control Board v. TLK, Inc., 544 A.2d 931 (Pa. 1988). 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. Therefore, note that your organization would be 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 during any event.

In closing, if you have any further questions or concerns regarding this matter 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. 14-374