

July 14, 2014

Telephone: 717-783-9454

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Francis X. O'Brien, Esquire
411 Walnut Street
Harrisburg, PA 17101

RE: Privately-Owned Private Golf Course Catering Club Liquor License

Dear Mr. O'Brien:

ISSUE: This office is in receipt of your letter of July 11, 2014, wherein you inquire, on behalf of your client¹ whether it would qualify for a Privately-Owned Private Golf Course Catering Club Liquor License ("GCC") based upon its status as a for-profit entity.

Board records indicate that indicate that Bailey Lane, LLC holds Catering Club Liquor License No. CC-2160 (LID 63912) for use by it at premises located at 25 Bailey Lane, Uniontown, Pennsylvania.

OPINION: The for profit status of your client does not, in and of itself, disqualify it from obtaining a GCC license. Section 102 of the Liquor Code defines a "club" generally, as any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit for which the sale of liquor or malt or brewed beverages is secondary. The last sentence in the definition states: "The term includes a privately-owned private golf course." Section 461(e.2) defines a privately-owned private golf course as "the clubhouse at any privately-owned golf course as defined in section 102 open for private membership accommodations only as a club as defined in section 102. The license to be issued in this instance shall be a club license."

The rules of statutory construction require that statutes be read so that all portions have effect. 1 Pa. C.S.A. §1922(2). In addition, the last sentence in the definition

¹ Through conversations with this office, it was determined that your client is Bailey Lane, LLC ("Bailey Lane").

of a club relating to privately-owned private golf courses was added to the original definition by Act 44 of 1986. The only way to give these words effect is to interpret them to mean that a privately-owned private golf course is a club so long as it owns a golf course of the requisite size and is open for private membership accommodations. The remaining provisions in the definition of a club pertaining to profit status, length of existence, membership, regular meetings, electing officers and investigating/balloting to admit new members are not applicable. The other restrictions, such as sales being limited to members, the hours of operation, etc. do apply to privately-owned private golf courses.

Therefore, so long as your client owns a privately-owned private golf course and that golf course meets the definition set forth in section 102 for a golf course and so long as your client has a clubhouse open for private membership accommodations, it could obtain and hold a privately-owned private golf course club liquor license. Since any club can apply for a catering license, it would also be eligible for a catering license.

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
Gale Hill, Chief Evaluations Division

LCB Advisory Opinion No. 14-415