

August 20, 2014

Telephone: (717) 783-9454
FAX: (717) 787-8820

Kameron Ziegler, CPP
Tax & Licensing Manager

RE: Off Premises Catering Permit

Dear Mr./Ms. Ziegler:

ISSUE: This office is in receipt of your e-mail, dated July 21, 2014, wherein you inquire whether a holder of a public venue license is able to obtain an off-premises catering permit (“OPCP”), referencing section 406(f) of the Liquor Code. You indicate that Public Venue Liquor License No. PV-142 operates as a concessionaire at California University. The university intends to hold events for alumni prior to home football games near its football stadium, which is approximately eight (8) miles from the licensed premises. You inquire whether an OPCP application is appropriate or if the university would have to apply for a special occasion permit (“SOP”).

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that AVI Food Systems, Inc. holds Public Venue Liquor License No. PV-142 (LID 65616) for premises located at 250 University Avenue, California, Pennsylvania.

OPINION: As you are aware, certain licensees may obtain an OPCP, which allows a permittee to hold a “catered function” off its licensed premises and on otherwise unlicensed premises. [47 P.S. §§ 4-406(f), 4-442(f)]. Holders of public venue licenses are within the designated licensees who may apply for an OPCP. Please be advised that the use of the OPCP is subject to the restrictions found in section 412(f) of the Liquor Code. Generally, such sales are restricted to “one hour before, during and one hour after any athletic performance” with additional time restrictions applicable to Sundays and Mondays, [47 P.S. § 4-412(f)(1)]; sales of alcoholic beverages are limited to malt and brewed beverages in shatterproof containers. [47 P.S. § 4-412(f)(2)].

Should you have any additional questions, do not hesitate to 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. 14-466