

September 18, 2014

Linda Small, Manager  
Harold H. Bair  
American Legion Home Association Post 14  
201 Carlisle Street  
Hanover, Pennsylvania 17331

**RE: Small Games of Chance**

Dear Ms. Small:

ISSUE: This office is in receipt of your letter dated September 5, 2014, wherein you indicate that you are the manager of Catering Club License No. CC-4436 (LID 3673). You explain that you attended a class on June 17, 2014 for manager re-certification. You indicate that during the class, there was a discussion regarding eligibility for daily drawings. You are asking for more information regarding this topic.

Pennsylvania Liquor Control Board (“Board”) records indicate that American Legion Home Association of Hanover holds Catering Club License No. CC-4436 (LID 3673) for use by it at premises located at 201 Carlisle Street, Hanover, Pennsylvania.

OPINION: This office’s authority to issue Advisory Opinions is set forth in section 211.1 of the Liquor Code, which provides that “Upon written request by a licensee, the board or its counsel shall issue a legal opinion regarding any subject matter relating to *this act* or any regulation promulgated pursuant to it. This legal opinion shall be binding on the enforcement bureau.” [47 P.S. § 2-211.1 (emphasis added)]. Because of this statute, this office is only permitted to render legal opinions regarding the Liquor Code or the Board’s Regulations.

Although the Pennsylvania State Police, Bureau of Liquor Control Enforcement enforces the Liquor Code as well as the Local Option Smalls Games of Chance Act (“SGOC”), please note that the Board regulates only the Liquor Code, not the

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SGOC. The interpretation of the SGOC falls outside of the scope of the Board's authority.

Therefore, you may wish to contact the Bureau at (800) 932-0602, or your County Treasurer's Office, and/or Revenue's Miscellaneous Tax Division, at (717) 787-8275 with your questions about SGOC and drawings.

Also, please note that Revenue has information for club licensees on its website: [http://www.revenue.state.pa.us/portal/server.pt/community/eligible\\_organizations\\_and\\_club\\_licensees/21623](http://www.revenue.state.pa.us/portal/server.pt/community/eligible_organizations_and_club_licensees/21623).

Please do not hesitate to contact this office should you have additional questions.

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. 14-521