

October 21, 2014

Anthony P. Maula

**E: Guests Bringing Alcohol to Unlicensed Property**

Dear Mr. Maula:

ISSUE: Your e-mail of September 17, 2014 states that you have a hotel-licensed property which includes multiple buildings, including a barn. The barn is not part of the licensed premises. You are interested in leasing out the barn for weddings, birthday parties and other events. You inquire whether you may permit renters of the barn to provide their own alcohol to their guests. You understand that you may still have liability regarding the service of such alcohol; therefore, you inquire whether you may provide, and charge for, RAMP-certified bartenders to oversee such events. You further inquire whether any additional issues arise if the hotel caters the food. Finally, you inquire whether you would lose the ability to lease the barn to clients that wish to provide their own alcohol, if you extend the license to cover the barn.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Tavern By The Lake, Inc. holds Hotel Liquor License No. H-4724 (LID 34979) for use by it at the premises located at HCR 1 Box 10, Mount Pocono, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the Board’s Regulations that prohibits an individual from bringing his or her own beer, wine or liquor (commonly called “BYOB”) into any establishment, whether or not the establishment possesses a license issued by the Board. Therefore, you may permit renters of the barn to provide their own alcohol to their guests. You may also provide, and charge for, RAMP-certified bartenders to oversee such events. No additional issues arise if the hotel caters the food. You would not lose the ability to lease the barn to clients that wish to provide their own alcohol, if you extend the license to cover the barn.

As you may be aware, licensees are strictly liable for service to minors and visibly intoxicated persons. [47 P.S. § 4-493(1)].

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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

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