

November 25, 2014

Thomas Pascoe  
President  
The Montrose Club

**E: Maintaining GCC License as For-Profit Entity**

Dear Mr. Pascoe:

ISSUE: This office is in receipt of your e-mail of October 29, 2014, in which you inquire whether your club, which holds a privately-owned private golf course club liquor (“GCC”) license, will be permitted to continue holding its GCC license after reincorporating as a for-profit entity. You indicate that the club will still operate as a privately-owned private country club with members approved by application.

Records of the Pennsylvania Liquor Control Board indicate that The Montrose Club holds Privately-Owned Private Golf Course Catering Club Liquor License No. GCC-4 (LID 5932) for use by it at premises located at Lake Avenue, Montrose, Pennsylvania.

OPINION: Changing to a for-profit entity will not, in and of itself, disqualify your club from holding a GCC license. Section 102 of the Liquor Code [47 P.S. § 1-102] 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) of the Liquor Code [47 P.S. § 4-461(e.2)] provides that a privately-owned private golf course means “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 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 club maintains 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 the club has a clubhouse open for private membership accommodations, it could continue holding a privately-owned private golf course club liquor license. Since any club can apply for a catering license, it would also be eligible to continue holding its 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  
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