

December 1, 2014

Christopher F. Lloyd
Willow Brook Land Development Corp., LLC

RE: Unsupervised Consumption of Alcohol on Portion of Premises

Dear Mr. Lloyd:

ISSUE: This office is in receipt of your e-mail dated October 13, 2014, in which you advise that your privately-owned public golf course has a restaurant liquor license by which it sells alcohol at a grill restaurant, as well as a smaller café located adjacent to the golf course.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Willow Brook Land Development Corp., Inc., t/a Willow Brook Golf Course, holds Privately-owned Public Golf Course Liquor License No. PGR-116 (LID 36438) for use by it at premises located at 1364 Howertown Road, Catasauqua, Pennsylvania. In August 2013, you were granted an extension of premises/secondary service area for the area that you refer to above as the “café.”

Board records further indicate that, in February 2014, upon your application for a further extension of premises to allow sales and service of alcohol at a permanent tent set-up located adjacent to the golf course and on the same parcel of real estate, you were advised by the Board’s Bureau of Licensing (“Licensing”) that further approval was not required under that particular fact pattern.

Now you are asking whether you may sell alcohol to be consumed in an unsupervised manner at other existing permanent facilities on the property. For example, you note two (2) structures on the property at which your customers would like to hold bachelor parties and bridal showers/rehearsal dinners respectively. The alcohol for these functions would be purchased from you, but there would be no service or supervision of the functions by your staff. These are permanent structures that are not currently licensed.

OPINION: It will be necessary for you to seek an extension of premises for the two (2) newly-identified areas of business, since these are permanent structures. Without proper licensure of these buildings, you may be subject to citation from the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”).

On the issue of unsupervised parties on any portions of your property, please be advised that section 493(1) of the Liquor Code states that licensees are strictly liable for the sales, service or other provision of alcohol to visibly intoxicated persons and minors, including minors who may be on the premises with a parent, legal guardian, or under proper supervision. [47 P.S. § 4-493(1)]. The section specifies that active service of alcohol to such persons is not required; rather, simply “permitting” such sales, furnishing or giving of alcohol to minors or visibly intoxicated persons could result in a violation of the law, subject to citation by the Bureau.

In addition, by allowing unsupervised parties on your property, you may face citation for violation of section 493(14) of the Liquor Code as it relates to permitting undesirable persons to frequent the premises, as well as section 493(16) of the Liquor Code as it relates to the permitted hours of furnishing of alcohol. [47 P.S. § 4-493(14), (16)].

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. 14-605