

December 19, 2014

Julie Brown
Rosecourt Winery

RE: Chinese Auctions/Bingo on Limited Winery Premises

Dear Ms. Brown:

ISSUE: This is in response to your e-mail of December 3, 2014 wherein you state that your limited winery is the venue for various events such as bridal showers, anniversary parties, and fundraisers. The individuals who rent the facility have inquired about the option to conduct Chinese auctions and/or bingo games. You inquire if such activities, conducted by the renter, are permitted on the licensed premises.

Pennsylvania Liquor Control Board (“Board”) records indicate that Rosecourt Winery LLC holds Limited Winery (“LK”) License No. LK-382 (LID 68115), for the premises located at 1637 State Route 86, Spring Church, Pennsylvania.

OPINION: Please be advised that the Board does not regulate the Local Option Small Games of Chance Act [10 P.S. §§ 311-327] or the Bingo Law [10 P.S. §§ 301-308.1], and as such, the interpretation of these acts fall outside of the Board’s authority. Therefore, it is recommended that you/the individuals renting the limited winery contact your County Treasurer’s Office and/or the Pennsylvania Department of Revenue, Miscellaneous Tax Division, at (717) 787-8275 with any questions or concerns about conducting such games.

Additionally, you should contact the local police, the Pennsylvania State Police, or the County District Attorney's Office for an official opinion regarding whether the proposed conduct would constitute unlawful gambling. If there is unlawful gambling, the licensee will be held strictly liable for such activity and could be cited for violation of the Liquor Code and the Board’s Regulations. [40 Pa. Code § 5.32(e)(2)]. Because unlawful gambling is a violation of the Pennsylvania Crimes

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Code, this office cannot provide you with a legal opinion as to whether the proposed conduct would constitute unlawful gambling. However, it should be noted that unlawful gambling consists of the following elements: (1) consideration or a fee or charge to play; (2) an element of chance; and (3) a prize or reward. Pennsylvania Liquor Control Bd. v. PPC Circus Bar, Inc., 96 Pa. Cmwlth. 115, 506 A.2d 521 (1986). You may also wish to contact the Pennsylvania State Police, Bureau of Liquor Control Enforcement, at 717-540-7428, as that entity is charged with the responsibility of enforcing the Small Games of Chance Act and the Bingo Law at licensed establishments.

Should you have any further questions or concerns, please do not hesitate to again 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 Waters, Director of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 14-624