

January 29, 2015

Patty Gilliland, President
Clearfield Curwensville Country Club

Re: Catering Club Licensee Open to the Public

Dear Ms. Gilliland:

ISSUE: This is in response to your e-mail of January 8, 2015, wherein you state that your private country club, holding a catering club license, has been advised that it is an acceptable practice to be open to the public two (2) days a week for food. You seek written confirmation of the same and of the proposed additional days of operation.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that the Clearfield-Curwensville Country Club holds Catering Club Liquor License No. CC-1954 (LID 3223) for the premises located at 1125 Country Club Drive, Clearfield, Pennsylvania.

OPINION: There is nothing in the Pennsylvania Liquor Code or the Board’s Regulations that prohibits a club or catering club licensee from being open to the public (i.e., to non-members) for the sale of food and non-alcoholic beverages anywhere on its licensed premises or for any number of days. However, it should be noted that the Board’s Regulations require that the operations of a licensed club must conform to the club’s constitution and bylaws at all times. [40 Pa. Code § 5.81]. Thus, if your club’s constitution or bylaws contain any provisions prohibiting the club from being open to the public for the sale of food and non-alcoholic beverages, your club would be required to adhere to such provisions.

Should you have any other questions and/or issues related to the Liquor Code or the Board’s Regulations, please feel free to once 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

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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. 15-006