

February 5, 2015

Yolanda Johnson

E: Continuing Care Retirement Community Serving Alcohol to Private Groups

Dear Ms. Johnson:

ISSUE: Your correspondence of January 12, 2015 requests an advisory opinion regarding whether Ware Presbyterian Village may serve alcohol to local community groups (e.g., a Lions Club) who hold meetings on your campus.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Presbyterian Homes, Inc., t/a Ware Presbyterian Village, holds Continuing Care Retirement Community Liquor License No. CRR-36 (LID 67704) for use by it at premises located at 7 East Locust Street, Oxford, Pennsylvania.

OPINION: It would not be permissible for Ware Presbyterian Village to utilize its continuing care retirement community license to serve alcohol to local community groups who hold meetings on its campus. A license or permit is required to sell alcohol in Pennsylvania. “Sale” or “sell” is defined broadly and includes any transfer for a consideration. [47 P.S. § 1-102]. For purposes of this response, it is assumed that the service of alcohol in your example would constitute a sale, in that the community groups would be providing some consideration for such service, whether directly or indirectly.

A continuing care retirement community licensee may sell alcohol only to residents of the continuing care retirement community and the guests of residents in conjunction with the normal, regularly scheduled dining, entertainment or social activities of the continuing care retirement community. [47 P.S. § 4-414 (b)(4)]. This would not include community groups who hold meetings on your campus, unless said groups were composed of residents and the guests of residents.

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

Yolanda Johnson
February 5, 2015
Page 2

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. 15-021