

February 18, 2015

Legion Post 262

Re: Club License and Special Occasion Permits

Dear Sir/Madam:

ISSUE: This is in response to your e-mail of January 28, 2015, wherein you advise that your organization holds a club license, but you are interested in obtaining a special occasion permit (“SOP”) to “transfer” that license to the club’s picnic facility that is located at a different address than your licensed premises. You ask if you can transfer the license to the picnic facility for a few hours, and then transfer it back to the club premises for the remainder of the day. You also ask if you can sell alcohol with an SOP for the same hours as you can with your club license. Finally, you ask if the club is restricted to selling alcohol only to members during the times that it is using the SOP.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that the Home Association of Post 262 American Legion holds Catering Club Liquor License No. CC-6294 (LID 51125) for the premises at 142 Fourth Street, Biglerville, Pennsylvania.

OPINION: Please note that an SOP is a temporary permit that allows the holder to sell alcohol as a means of raising funds for its organization. Only an “eligible entity,” as that term is defined in the Liquor Code, may obtain an SOP. The Liquor Code provides that only one (1) SOP shall be issued to each eligible entity per year, and each SOP may only be used for six (6) consecutive or nonconsecutive days during a calendar year. [47 P.S. § 4-408.4(i)].

If your club were to obtain an SOP, it would allow the club to sell alcohol at the SOP location, which would be in addition to and separate from the club license. Your questions about transferring the club license back and forth, from one (1) location to another, are moot. The club license stays at the licensed premises; the SOP would apply to the specified location at the date and times indicated on the application form.

With regard to your question as to the hours of sale under an SOP, please note that the holder of an SOP may sell alcoholic beverages for consumption on or off the licensed premises during the hours of 7:00 a.m. until 2:00 a.m. of the following day. [47 P.S. § 4-408.4(k)]. The holder of an SOP is also required to give the local police department, or the Pennsylvania State Police if there is no local police department, written notice at least forty-eight (48) hours prior to each use of the special occasion permit. [47 P.S. § 4-408.4(j)]. Written notice consists of notifying the police of the date, time and place of the impending sale of alcoholic beverages. [Id.].

Finally, please note that if the club obtains an SOP, it may sell alcohol to members and nonmembers only at the SOP location and only on those dates and during those times that the SOP is in effect.

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

Advisory Opinion No. 15-053