

March 3, 2015

Theodore J. Zeller, III, Esquire
Norris, McLaughlin & Marcus, P.A.
The Paragon Centre, Suite 300
1611 Pond Road
Allentown, PA 18104-2258

Re: Off Premises Catering Permits for Back-to-Back Events

Dear Mr. Zeller:

ISSUE: This is in response to your letter of January 16, 2015, wherein you advise that your client, Publik House, LLC (“Publik House”) holds a restaurant liquor license and intends to apply for off-premises catering permits (“OPCP”). You have written this office to request an opinion as to whether the Pennsylvania Liquor Control Board (“Board”) will approve multiple OPCPs for different events held on the same day at the same location. You advise that the two (2) separate events would be held in five (5) hour increments and the first event would end before the second event begins.

Board records indicate that Publik House holds Restaurant Liquor License No. 4-5834 (LID 70759) for the premises at 123 West Fourth Street, Bethlehem, Pennsylvania.

OPINION: As you know, section 406(f) of the Liquor Code allows holders of a restaurant liquor license to obtain OPCPs, which allows the permittee to hold a “catered function” off its licensed premises and on otherwise unlicensed premises. As long as there is a separate application for each event, an application for an OPCP will not be denied because another event precedes or succeeds it at the same location on the same day.

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

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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.: 15-073