

March 26, 2015

Paul "Skip" Concowich
Director of Safety & Security
Sonesta Hotel Philadelphia

E: BYOB

Dear Mr. Concowich:

ISSUE: Your correspondence of February 17, 2015 states that you have a client who would like to book an event for two hundred thirty (230) or more persons and would like to bring in the client's own alcohol, specifically wine. You inquire whether this would be permitted pursuant to your hotel liquor license.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Cambridge TRS, Inc. and Sonesta International Hotels Corporation ("Sonesta") holds Hotel Liquor License No. H-6333 (LID 66729) for use by it at premises located at 1800 Market Street, Philadelphia, Pennsylvania. Sonesta also holds a valid Sunday sales permit.

OPINION: There is nothing in the Liquor Code or the Board's Regulations that prohibits individuals from bringing their own alcohol ("BYOB") into any establishment, whether or not the establishment possesses a license issued by the Board. Some local municipalities may have ordinances banning BYOBs or laws concerning BYOBs or open containers of alcohol; therefore, you may wish to contact your local municipality regarding the same. Also, it is advisable for individuals that do bring alcohol on the premises to have the appropriate receipts from the purchase of such alcohol as evidence that the alcohol was lawfully acquired. Possession of unlawfully acquired alcohol is a violation of the Liquor Code and Licensees can be cited for any violation that occurs on the licensed premises. Please be advised that, even when BYOB activities are occurring, your establishment remains responsible for ensuring that alcohol is not furnished or given to minors or visibly intoxicated persons, and failure to do so may result in a citation for violating section 493(1) of the Liquor Code. [47 P.S. § 4-493(1)]. Your establishment may choose to prohibit this activity if it wishes, so long as it

Paul "Skip" Concowich
March 26, 2015
Page 2

does not do so for a reason that would be prohibited under the Human Relations Act, such as race or gender.

Licensees may permit the consumption of alcoholic beverages on their licensed premises only during hours when they are permitted to serve alcoholic beverages. Pennsylvania Liquor Control Bd. v. Mignogna, 120 Pa. Cmwlth. 405, 548 A.2d 689 (1988); Pennsylvania Liquor Control Bd. v. Buffalo Tavern, Inc., 118 Pa. Cmwlth. 306, 544 A.2d 1125 (1988).

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

LCB Advisory Opinion No. 15-109