

May 14, 2015

John Rakoczy

RE: Club License Question

Dear Mr. Rakoczy:

ISSUE: This office is in receipt of your e-mail correspondence of April 22, 2015 wherein you inquire if a catering club licensee is able to have nights that are open to the public, listing bar bingo or DJ karaoke as possible activities.

Pennsylvania Liquor Control Board ("Board") records indicate that Fraternal Order of Eagles Aerie 4546 holds Catering Club Liquor License No. CC-2695 (LID 71012) for use at its premises located at 127 North Main Street, Washington, 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). Events that are open to the public either must exclude the sale of alcohol to non-members or must comply with requirements for a "catered event." [47 P.S. § 4-406(a)]. The Board's Regulations define "catered events" as those involving the furnishing of liquor or malt or brewed beverages, or both, to be served with food prepared on the premises, or brought onto the premises already prepared, for the accommodation of groups of people who are using the facilities by prior arrangement at least twenty-four (24) hours in advance of the time of the function and which are paid for by the third party. [40 Pa. Code § 5.83(a)]. Records must be kept showing the date and time catering arrangements were made, the name of the person or the organization making the arrangements, and the approximate number of persons to be accommodated. [40 Pa. Code § 5.83(b)]. A catered event must be conducted for a third party, and cannot be self-sponsored by the licensee.

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, your club would be required to adhere to such provisions.

In response to your example of bar bingo, please note that the Board does not regulate the Local Option Small Games of Chance Act [10 P.S. §§ 311-327] or the Bingo Law [10 P.S. §§ 301-308.1], and as such, the interpretation of these acts fall outside of the Board's authority. Therefore, it is recommended that you contact your County Treasurer's Office and/or the Pennsylvania Department of Revenue, Miscellaneous Tax Division at (717) 787-8275 with any questions or concerns about conducting such games. You may also wish to contact the Pennsylvania State Police, Bureau of Liquor Control Enforcement, at 717-540-7428, as that entity is charged with the responsibility of enforcing the Small Games of Chance Act and the Bingo Law at licensed establishments.

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. 15-218