

July 17, 2015

Ari Sobel
Director of Food and Beverage
The Meadows Racetrack & Casino
210 Racetrack Road
Washington, PA 15301
VIA E-MAIL: asobel@meadowsgaming.com

RE: Corks & Kegs Festival

Dear Mr. Sobel:

ISSUE: This office is in receipt of your e-mail dated June 23, 2015, in which you state that you are the Director of Food and Beverage for the Meadows Racetrack and Casino. On August 23 and 24, 2015, the local newspaper, The Washington Observer Reporter, is hosting a Corks & Kegs Festival at your property. You note that this event will feature twenty (20) to thirty (30) Pennsylvania breweries and eight (8) to ten (10) Pennsylvania wineries. Admission to the event is free and “tasting samples” will be sold on a per-sample basis to guests who are of legal age.

You further note that the Meadows Racetrack and Casino, through its normal distribution channels, will purchase all of the beer and wine that will be used for “sampling” at this event. Meadows Racetrack will be the only licensee selling and serving alcohol to guests, although representatives from the breweries and wineries will be on hand to talk about their products with customers.

Several of the participating wineries and breweries have asked you whether they may sell unopened bottled wine or beer to guests, strictly for off-premises consumption. The bottles would be put on hold at a “beverage valet” for the guests to pick up on their way out of the property. These wineries and breweries have told you that they have been permitted to do this at other tasting events.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Meadows Hotel Associates LLC and Crescent Hotels & Resorts LLC, trading as Hyatt Place Meadows Racetrack and Casino, has applied to the Board for a new hotel liquor license for use at the premises located at 212 Racetrack Road, Washington, Pennsylvania. The prospective licensee has been assigned Hotel

Liquor License No. H-6417 (LID 69806) and is currently authorized to operate on a temporary approval basis through August 30, 2015. The prospective licensee is also specifically authorized to permit dancing and other entertainment, to sell alcoholic beverages on Sunday during the hours permitted by law, to dispense food on any day between the hours of 2:00 a.m. and 7:00 a.m., and to purchase liquor at a discount from a Pennsylvania liquor store.

OPINION: In response to your specific question, no, participating wineries and breweries may not sell any alcohol, whether for on-premises or off-premises consumption, at the Corks & Kegs Festival as you have described it. Under specific circumstances not relevant to your proposed event as described, limited wineries can obtain a wine exposition permit to sell their products at wine festivals in addition to serving tastings [see 47 P.S. § 5-505.2(4)], although there is no equivalent provision in the Liquor Code regarding malt or brewed beverage manufacturers and beer festivals. It is presumed for purposes of this response that this is what participants in the Corks & Kegs Festival are referencing when advising you that they have been permitted to sell bottles of wine or beer for off-premises consumption at other events.

Please note that this Advisory Opinion should not be construed as approval of your planned event, but is limited to the specific question that you presented. For example, it is unknown exactly where on the premises the sale, service and consumption of alcohol is anticipated to occur during this event. The license application under investigation has specific areas for service, only one (1) of which is outdoors.

The holder of a hotel liquor license is authorized to sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel habitually used for the serving of food to guests or patrons, and to guests in their private rooms in the hotel. [47 P.S. § 4-406(a)(1)]. The holder of a hotel license (or the holder of a restaurant license located in a hotel) may allow persons to transport liquor or malt or brewed beverages from the licensed portion of the premises to the unlicensed portion of the premises, so long as the liquor or malt or brewed beverages remain on the hotel property. [47 P.S. § 4-406(e)].

The nature of the relationship between the prospective licensee and the local newspaper entity as it relates to this function is also unclear, and information available on the event website (www.corksandkegsfestival.com) is somewhat

Ari Sobel
July 17, 2015
Page 3

contradictory to the facts presented in your June 23, 2015 e-mail to this office. You may wish to consult with private counsel experienced in Pennsylvania liquor law to advise you regarding this commercial undertaking.

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, Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 15- 304