

July 21, 2015

William Hawkins

VIA E-MAIL: freebergsocialclub@gmail.com

RE: Small Games of Chance Donations

Dear Mr. Hawkins:

ISSUE: This office is in receipt of your e-mail dated July 9, 2015, wherein you indicate that your licensed catering club has questions regarding donations of profits from small games of chance (“SGOC”) may be made. You ask whether the club may donate the required sixty percent (60%) to the American Legion whose space the club uses, to another organization that holds a SGOC license, or to an individual in need in the community.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Freeberg Social Club, Inc. holds Catering Club License No. CC-3290 (LID 24639) for use at the premises located at 610 Good Street, Houtzdale, Pennsylvania. You are the Board-approved manager.

OPINION: This office’s authority to issue Advisory Opinions is set forth in section 211.1 of the Liquor Code, which provides that “Upon written request by a licensee, the board or its counsel shall issue a legal opinion regarding any subject matter relating to **this act** or any regulation promulgated pursuant to it. This legal opinion shall be binding on the enforcement bureau.” [47 P.S. § 2-211.1 (emphasis added)]. Because of this statute, this office is only permitted to render legal opinions regarding the Liquor Code or the Board’s Regulations.

Although the Pennsylvania State Police, Bureau of Liquor Control Enforcement enforces the Liquor Code as well as the Local Option Smalls Games of Chance Act (“SGOC”), please note that the Board regulates only the Liquor Code, not the SGOC. The interpretation of the SGOC falls outside of the scope of the Board’s authority.

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Therefore, you may wish to contact the Bureau at (800) 932-0602, or your County Treasurer's Office, and/or Revenue's Miscellaneous Tax Division, at (717) 787-8275 with your questions about SGOC and drawings.

Also, please note that Revenue has information for club licensees on its website: http://www.revenue.state.pa.us/portal/server.pt/community/eligible_organizations_and_club_licensees/21623.

If you have any further questions about the Liquor Code or Board's Regulations, please contact this office again.

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- 311